

City of Santa Clara

Mission Town Center Project Final Environmental Impact Report

SCH No. 2015032076



Prepared for:
City of Santa Clara
1500 Warburton Avenue
Santa Clara, California 95050

Prepared by:



IMPACT SCIENCES, INC.

505 14th Street, Suite 1230
Oakland, CA 94612

February 2016

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1.0 INTRODUCTION

1.1 PURPOSE OF THE FINAL ENVIRONMENTAL IMPACT REPORT

This response to comments document, together with the Mission Town Center Project Draft Environmental Impact Report (Draft EIR) which is incorporated by reference, constitutes the Mission Town Center Project Final Environmental Impact Report (Final EIR). The Final EIR is an informational document, prepared by the City of Santa Clara as lead agency that must be considered by decision makers before approving or denying the Mission Town Center project (proposed project). Pursuant to Section 15132 of the *California Environmental Quality Act (CEQA) Guidelines*, this Final EIR consists of (1) revisions to the Draft EIR, (2) a list of persons, organizations, and public agencies commenting on the Draft EIR, (3) comments received on the Draft EIR, (4) the City's responses to significant environmental points raised in the review and consultation process, and (5) any other information added by the City. The Final EIR will be used for review and consideration for certification by the City.

The Final EIR is available on the web at <http://www.santaclaraca.gov/>. The Final EIR is also available for review at the following location:

City of Santa Clara
City Hall
1500 Warburton Avenue
Santa Clara, California 95050

Contact: Yen Han Chen, Associate Planner
Email address: ychen@santaclaraca.gov

1.2 ORGANIZATION OF THIS RESPONSE TO COMMENTS DOCUMENT

This document is organized into four sections. Following this introduction (**Section 1.0**), **Section 2.0, Comments on the Draft EIR and Responses to Comments**, contains a list of persons that submitted written comments on the Draft EIR; reproductions of the comment letters and emails; and responses to the comments received. Each comment letter is coded and each comment is labeled with a number in the margin. **Section 3.0, Revisions and Additions to the Draft EIR** presents changes to Draft EIR text in response to comments received on the Draft EIR as well as City-initiated minor corrections and changes to the Draft EIR text. **Section 4.0, Report Preparation**, lists persons involved in the preparation of the Final EIR.

1.3 EIR CERTIFICATION AND PROJECT APPROVAL PROCESS

Prior to approving the proposed project, the City must certify that (1) the Final EIR has been completed in compliance with CEQA; (2) the City has reviewed and considered the information in the Final EIR; and (3) the Final EIR reflects the City's independent judgment and analysis (*State CEQA Guidelines*, Section 15090).

Once the Final EIR is certified, the City can approve the project as proposed, approve one of the alternatives evaluated in the EIR, or choose to take no action on the project. As part of the approval of either the project or an alternative, the City must make written findings for each significant effect identified in the EIR. These findings will state whether the identified significant effect can be avoided or substantially reduced through feasible mitigation measures or a feasible alternative, whether the effect can only be mitigated by the action of some agency other than the City, or whether the identified mitigation measures or alternatives are infeasible and cannot be implemented (*State CEQA Guidelines*, Section 15091). To ensure implementation of all adopted mitigation measures, the City must adopt a mitigation monitoring and reporting plan (*State CEQA Guidelines*, Section 15097). In addition, after all feasible mitigation measures are adopted, if some effects are still considered significant and unavoidable, the City must adopt a Statement of Overriding Considerations that identifies the specific economic, social, technical, or other considerations that, in the City's judgment, outweigh the significant environmental effects of the proposed project (*State CEQA Guidelines*, Section 15091).

Once it is certified, the Final EIR may also be used by responsible agencies in deciding whether, or under what conditions, to approve the required entitlements.

1.4 PUBLIC INVOLVEMENT

On November 17, 2015, the City of Santa Clara, as the Lead Agency under CEQA, issued a Draft EIR on the Mission Town Center Project. Copies of the Draft EIR were distributed to agencies, local governments, and interested parties. The Draft EIR, including all appendices, was also posted on the City's web site, and hard copies of the Draft EIR and appendices were made available to the public at the Santa Clara Library and Santa Clara Planning Division. As required by CEQA, the Draft EIR was circulated for a 45-day public comment period that ended on January 4, 2016.

1.5 RESPONSE TO COMMENTS

Under CEQA, following completion of a Draft EIR, the City of Santa Clara is required to consult with and obtain comments from public agencies that have jurisdiction by law or discretionary approval authority with respect to the proposed project, and provide the general public with an opportunity to comment on the Draft EIR. Responses to all written comments received within the comment period are contained in this Final EIR in **Section 2.0**. **Section 3.0** includes revisions to the Draft EIR text. Any changes to the text of the Draft EIR that resulted from the comments are also presented in **Section 3.0**. None of the changes to the Draft EIR text represents significant new information (as defined by *State CEQA Guidelines* Section 15088.5) and the conclusions of the EIR regarding significant impacts, alternatives, and mitigation measures remain unchanged.

1.6 IMPACT SUMMARY

A detailed discussion regarding potential environmental impacts of the proposed project is provided in **Section 4.0, Environmental Impact Analysis** of the Draft EIR.

For the convenience of the decisionmakers, agencies, and the public, a summary of the impacts of the proposed project as analyzed in the Draft EIR is provided in **Table 1.0-1, Summary of Impacts and Mitigation Measures**. The table also lists mitigation measures, which are proposed to avoid or reduce significant project impacts and indicates whether implementation of the recommended mitigation measures would reduce the impact to a less than significant level. Also included is **Table 1.0-2, Summary Comparison of Project Alternatives**, which presents the environmental impacts of each alternative analyzed in the Draft EIR to allow the decision makers, agencies, and the public to once again compare and contrast these alternatives and weigh their relative merits and demerits.

**Table 1.0-1
Summary of Project Impacts and Mitigation Measures**

Environmental Topic and Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Air Quality			
Impact AIR-1		Mitigation Measure AIR-1	
Construction activities associated with the proposed project would not result in a violation of an air quality standard, contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase of a criteria pollutant for which the project region is non-attainment under an applicable national or state ambient air quality standard (including resulting in emissions which exceed quantitative thresholds for ozone precursors), but would result in substantial fugitive dust emissions.	Significant	<p>Mitigation Measure AIR-1a: The construction contractor(s) shall implement the following BMPs during project construction:</p> <ul style="list-style-type: none"> • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 mph. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible and feasible. Building pads shall be laid as soon as possible and feasible after grading, unless seeding or soil binders are used. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. • Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. <p>Mitigation Measure AIR-1b: Implement Mitigation Measures HAZ-2a through HAZ-2d.</p>	Less than significant

Environmental Topic and Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Air Quality (continued)			
Impact AIR-2			
Operation of the proposed project would not result in a violation of an air quality standard, contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase of a criteria pollutant for which the project region is non-attainment under an applicable national or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).	Less than significant	No mitigation is required.	Less than significant
Impact AIR-3			
The proposed project would not conflict with or obstruct implementation of the applicable air quality plan.	Less than significant	No mitigation is required.	Less than significant
Impact AIR-4			
Project construction activities and operations would expose existing or future sensitive receptors to substantial pollutant concentrations.	Significant	<p>Mitigation Measure AIR-4</p> <p>Mitigation Measure AIR-4a: Implement Mitigation Measure AIR-1 to control fugitive dust and on-site construction exhaust emissions.</p> <p>Mitigation Measure AIR-4b: Equipment shall be selected during demolition, grading and trenching construction phases to minimize emissions. Such equipment selection would include the following:</p> <ol style="list-style-type: none"> 1. All diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent; and 2. All diesel-powered portable equipment (i.e., air compressors, concrete saws, and forklifts) operating on the site for more than two days shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent. 3. As an alternative to measures 1 and 2 above, the construction contractor shall use other measures, or in combination with use of Tier 4 equipment, to minimize diesel particulate matter emissions during construction period, provided such measures reduce the predicted cancer risk below the thresholds and are approved by the City. Any diesel-powered off-road and portable equipment shall meet or exceed emission standards for Tier 2 engines. For example, the construction contractor may use other measures such as the use of alternative 	Less than significant

Environmental Topic and Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Air Quality (continued)			
Impact AIR-4 (continued)		<p>Mitigation Measure AIR-4b (continued)</p> <p>powered equipment (e.g., LPG-powered or electric lifts), alternative fuels (e.g., biofuels), added exhaust devices, or a combination of measures.</p> <p>Mitigation Measure AIR-4c: The Applicant may choose to reassess the potential off-site cancer risk and PM2.5 concentration exposures to off-site residential receptors later in the design phase, but prior to the start of construction, and prepare a revised HRA using updated receptor location information and more detailed construction plans and equipment list and submit to the City for review. If the revised HRA demonstrates, to the satisfaction of the City, that the cancer risk and exposure to PM2.5 for all potentially exposed off-site receptors will be less than BAAQMD project-level thresholds, then Mitigation Measure AIR-4b is unnecessary. If the revised HRA demonstrates, to the satisfaction of the City, that the cancer risk or exposure to PM2.5 for off-site sensitive receptors will be less than presented in this analysis but still over BAAQMD thresholds, then the mitigation effort may be proportionately adjusted.</p>	
<p>Impact AIR-5</p> <p>Project operation would expose project sensitive receptors to substantial pollutant concentrations.</p>	Significant	<p>Mitigation Measure AIR-5</p> <p>Mitigation Measure AIR-5a: The project shall include the following measures to minimize long-term toxic air contaminant (TAC) exposure for new project residences:</p> <ol style="list-style-type: none"> 1. Integrate building design features to limit exposure from sources of TAC and PM2.5; 2. Install air filtration in residential buildings. Air filtration devices shall be rated MERV13 or higher. To ensure adequate health protection to sensitive receptors, this ventilation system shall meet the following minimal design standards: <ol style="list-style-type: none"> a. A MERV13 filter or higher rating; b. At least one air exchange(s) per hour of fresh outside filtered air; and c. At least four air exchange(s) per hour recirculation. 3. As part of implementing this measure, an ongoing maintenance plan for the buildings' heating, ventilation, and air conditioning (HVAC) air filtration system shall be required. Recognizing that emissions from air pollution sources are decreasing, the maintenance period shall last as long as significant excess cancer risk are predicted. Subsequent studies could be conducted by an appropriately credentialed environmental professional to identify the ongoing need for the ventilation systems as future information becomes available. 	Less than significant

Environmental Topic and Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Air Quality (continued)			
Impact AIR-5 (continued)			
		<p>Mitigation Measure AIR-5a (continued)</p> <p>4. Ensure that the lease agreement and other property documents (1) require cleaning, maintenance, and monitoring of the residential buildings for air flow leaks; (2) assurance that new tenants are provided information on the ventilation system; (3) provisions that fees associated with leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed; and (4) provide information regarding the ventilation/filtration systems and importance of keeping windows and doors closed to maximize the efficiency of the system.</p> <p>Mitigation Measure AIR-5b: The Applicant may choose to reassess the potential cancer risk exposures to on-site residential receptors later in the design phase, but prior to occupancy, and to prepare a revised HRA using updated receptor location information and a more detailed assessment of risks associated with rail line operations that accounts for the status of Caltrain electrification at that time and submit to the City for review. If the revised HRA demonstrates, to the satisfaction of the City, that the cancer risk exposures for on-site receptors will be less than BAAQMD project-level thresholds, then Mitigation Measure AIR-5a would be unnecessary. If the revised HRA demonstrates, to the satisfaction of the City, that the cancer risk for on-site sensitive receptors will be less than presented in this analysis, but still over BAAQMD threshold, the mitigation effort may be proportionately reduced.</p>	
Impact AIR-6			
The proposed project would not create objectionable odors affecting a substantial number of people.	Less than significant	No mitigation is required.	Less than significant
Cumulative Impact AIR-1			
The proposed project, in conjunction with other past, present and reasonably foreseeable future development, would not result in significant cumulative air quality impacts.	Less than significant	No mitigation is required.	Less than significant

Environmental Topic and Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Cultural Resources			
Impact CUL-1		Mitigation Measure CUL-1	
The proposed project would potentially cause a substantial adverse change in the significance of a historic architectural resource as defined in CEQA Guidelines §15064.5.	Significant	<p>Mitigation Measure CUL-1a: If feasible, the houses at 3410 and 3370 The Alameda shall be moved to a different location appropriate to their historic character, preferably within the Santa Clara historic quad or grid, or other appropriate setting as determined by the City of Santa Clara Planning Department prior to relocation of the building. The project applicant has agreed to pay for the relocation costs. However, a recipient site may not be available and hence relocation may not be feasible.</p> <p>Mitigation Measure CUL-1b: If relocating either of the two buildings is determined to be infeasible, the salvage of materials and features of the buildings located on this parcel is recommended. Representatives of the Santa Clara Planning Department, the Santa Clara Historical Commission, the other citizen groups and parties interested in historical resources shall be given the opportunity to examine the buildings and provide suggestions for salvaging and relocating elements of the buildings. The project impact will be reduced commensurate with the percentage of the existing buildings that can be incorporated into the design for any new buildings on site or in other buildings in Santa Clara, or otherwise preserved.</p> <p>Mitigation Measure CUL-1c: If relocating either of the two buildings is determined to be infeasible, historic documentation of the two houses shall be completed prior to salvage or demolition. This documentation shall be according to the Outline Format described in the Historic American Buildings Survey Guidelines for Preparing Written Historical Descriptive Data (Pacific Coast Basin Regional Office, U.S. National Park Service, 1993) and the Photographic Specifications – Historic American Building Survey (U.S. National Park Service, 1989). The documentation, with original photo prints and negatives, should be placed in an historical archive or history collection accessible to the general public (such as the Santa Clara Main Library History Pavilion).</p> <p>Mitigation Measure CUL-1d: If relocating either of the two buildings is determined to be infeasible, a public exhibit/education program to present interpretive information on the early residential development and architecture of the project area and vicinity shall be prepared by the Applicant. The exhibit shall be placed on site, at the Santa Clara Historic Museum in the Headen-Inman House, or other appropriate venue in Santa Clara, as determined by the City of Santa Clara Planning Department prior to placement of the public exhibit/education program.</p>	Significant and unavoidable

Environmental Topic and Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Cultural Resources (continued)			
Impact CUL-2		Mitigation Measure CUL-2	
The proposed project would potentially cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5, and would disturb any human remains, including those interred outside of formal cemeteries.	Potentially significant	<p>Mitigation Measure CUL-2a: Cultural Resources Treatment Plan: The Treatment Plan (presented in Appendix 4.2) will be implemented by the Applicant to mitigate the project's potentially significant impacts on archaeological resources that are encountered during project site excavation and grading. The Treatment Plan identifies a series of specific measures for areas of sensitivity within the project site, and construction monitoring for the remainder of the project site. Key aspects of the Treatment Plan are summarized below; refer to Appendix 4.2, Cultural Resources Treatment Plan, pages 122 through 143, for the complete Treatment Plan that shall be implemented.</p> <p>Mitigation for Less Sensitive Areas</p> <p>Construction Monitoring during Ground Disturbance. Areas presumed to be less sensitive shall be monitored by a trained archaeologist during ground disturbing activities. Archaeological monitors shall observe all initial grading within the northeast portion of the project site. If archaeological materials are found, all work within 50 feet of the find shall stop. The monitor and the archaeological team shall conduct a rapid significance assessment as described below. If the archaeologist determines that an archaeological feature is significant under CEQA, the feature shall be subject to data recovery mitigation to reduce adverse impacts to less than significant. Data recovery, if undertaken, will follow the procedures for excavation, analysis, and reporting defined in the Treatment Plan and set forth below.</p> <p>Mitigation for Areas of Higher Sensitivity</p> <p>The Treatment Plan requires that an archaeological team shall be given access to conduct mechanical excavation in "open spaces" within the area of presumed higher sensitivity, including parking lots, back yards, and access ways. Then after demolition permits are awarded, an archaeological team shall be given access to conduct mechanical excavation and examine areas of sensitivity underneath existing structures.</p>	Less than significant

Environmental Topic and Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Cultural Resources (continued)			
Impact CUL-2 (continued)		<p>Mitigation Measure CUL-2a (continued)</p> <p>The key elements of the Treatment Plan for sensitive areas are summarized below:</p> <p>A. Excavation and Evaluation of Pre-Colonial Era Resources</p> <ol style="list-style-type: none"> 1. <u>Mechanical Excavation.</u> A mechanical trenching program in conjunction with the screening of soils shall be implemented to investigate the presence of previously unidentified buried Pre-Colonial deposits within the project site. Between 3 and 5 trenches shall be excavated within the project parcel. These trenches shall measure 2 meters in length and be excavated to Native soil, unless an archaeological feature is encountered prior to reaching Native soil. Excavation shall involve a backhoe equipped with a 46 cm flat-bladed bucket. 2. <u>Evaluation of Significance.</u> If no Pre-Colonial archaeological deposits are encountered during mechanical excavation, or are found in disturbed contexts, no further action is required. If intact archaeological deposits are encountered, additional archaeological excavation shall be required to evaluate the site in accordance with CEQA Guidelines Section 15064.5(c), and if needed, implement appropriate mitigation measures as set forth in the Treatment Plan. <p>If intact Pre-Colonial deposits are encountered during mechanical excavation, excavation of 1 to 2 Surface Transect Units (STUs) of 1 x 0.5 meters in size shall be conducted in each identified site or area of intact deposit to assess the spatial extent and structure of the subsurface deposits. Archaeologists shall dry screen all materials using 1/8 inch mesh and identify and map all encountered features. A 2-liter soil sample shall be retained for flotation and paleobotanical analysis.</p> <p>Determining the significance of Pre-Colonial resources shall be guided by CEQA. In the case of Pre-Colonial resources, however, the majority of significance assessments typically falls under Criterion D ([Section 15064.5 (a) (3) of the CEQA Guidelines]), where an archaeological site or resource will be considered significant, if it can be demonstrated that it has the potential to contribute important information pertinent to prehistory or history. Based on previous research in the area, the archaeological resources that will likely be encountered include midden sites, lithic scatters, burial complexes or cemeteries, residential sites, and isolates.</p>	

Environmental Topic and Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Cultural Resources (continued)			
Impact CUL-2 (continued)		Mitigation Measure CUL-2a (continued)	
		<p>3. If and when any of these resources are encountered at the project site, they will first be assessed for integrity. In most cases, once a positive integrity has been established, the Pre-Colonial resource is considered significant, at least for evaluation purposes. This does not mean, however, that the resource is necessarily significant under National Register or California Register of Historic Places. Nor does it mean that one hundred percent of the site or resource will necessarily be sampled. Sampling strategies are typically employed at this juncture. Moreover, these methods need to be agreed upon by the archaeologist, property owner, City, and other specified parties in accordance with CEQA mitigation requirements and established practices.</p> <p>4. <u>Additional Archival Research.</u> While historic documents are very useful for predicting what kinds of cultural properties may be encountered, it is rare that initial pre-field research covers all land uses within a specific area. Some activities are unreported or under-reported. For this reason, if currently unknown or unidentified cultural resources are identified during excavation, additional archival research may be conducted during and after the fieldwork phase when necessary to characterize the resources identified.</p> <p>B. Excavation and Evaluation of Historic Era (Spanish Colonial and American) Resources</p> <p>1. <u>Mechanical Excavation/Monitoring.</u> A trained archaeological monitor shall direct mechanical excavation of selected regions within the project site. Monitoring shall occur after demolition but before construction grading in specific areas within the project that are determined to be the most sensitive based on background research. Mechanical excavation shall be executed using a flat-bladed bucket and removing soils in increments of 2 to 5 inches, to the depth of historic cultural features, or native subsoil, whichever comes first.</p> <p>2. <u>Evaluation of Significance.</u> If any unknown or unidentified historic era resources are discovered during mechanical excavation, all work within 50 feet of the find shall stop, and each resource shall be assessed in accordance with CEQA Guidelines Section 15064.5(c). Each archaeological resource shall be evaluated relative to a number of criteria. For historic era archaeological resources, these criteria include: (1) integrity of the resource, (2) historic context, in space and time, (3) data potential of the archaeological resource, and (4) relevance to proposed research themes. In each category, several subcategories are</p>	

Environmental Topic and Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Cultural Resources (continued)			
Impact CUL-2 (continued)		<p>Mitigation Measure CUL-2a (continued)</p> <p>given a point value. Each archaeological resource will be assigned a score within each of these categories by the project Archaeologist. The total points assigned will be a general estimate of the resource significance under CEQA Criteria A, B, and/or D. The higher the score, the more likely a resource would be determined to be significant/historic resource. If a resource has integrity, good archaeological data potential, and can contribute to research themes as set forth in the Treatment Plan, it will be determined significant under CEQA Criteria A, B, and D.</p> <p>3. <u>Additional Archival Research.</u> Research in available Spanish Colonial Mission period documents may be warranted to determine the significance of currently unknown historic era resources encountered during project construction, in accordance with CEQA Guidelines Section 15064.5(c). Additional research may be warranted regarding the Early American settlement of the blocks. This may include investigation of parcel ownership records, personal histories of significant persons, or further investigation of population trends, such as neighborhood ethnicity, ethnic succession, labor patterns, or economic conditions.</p> <p>C. Preservation Plan or Data Recovery for Pre-Colonial and Historic Era Archaeological Resources</p> <p>C.1. Preservation Plan for Pre-Colonial and Historic Era Archaeological Resources</p> <p>In portions of the project site where subsurface ground disturbance activities would not occur at a depth that could disturb the identified archaeological resource, the following conservation measures shall be implemented individually or in conjunction with each other to preserve the resource in place.</p> <p>Monitoring the resource to ensure that it is not inadvertently disturbed</p> <p>Covering the resource with water-permeable construction grade filter fabric</p> <p>Layering visible slurry sand over the resource</p> <p>Marking the feature with a permanent tag identifying the date, project and feature number</p> <p>The GPS based location and shape of the resource shall be identified on project as-built drawings to insure that they would be known to facility managers and those managing the property for the life of the project.</p>	

Environmental Topic and Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Cultural Resources (continued)			
Impact CUL-2 (continued)		<p>Mitigation Measure CUL-2a (continued)</p> <p>C.2. Data Recovery Plan for Pre-Colonial and Historic Era Archaeological Resources</p> <p>A. Data Recovery for Pre-Colonial Resources</p> <p>Data recovery shall be completed in coordination with the remediation of any contaminated media to assure safe and appropriate management of recovered materials.</p> <p><u>Midden and Residential Sites.</u> These sites are anticipated to be the most structurally complex and have the greatest artifact diversity of all the resource types. Data recovery shall be conducted in contexts deemed significant and that have the potential to meet data requirements and research themes outlined in the Treatment Plan. The data recovery program may include any combination of hand excavation techniques in order to recover the appropriate amount of information to fully address research questions outlined in the Treatment Plan.</p> <p><u>Lithic Scatters.</u> Lithic scatters are usually limited to formed tools and tool manufacturing debris, or what is termed “debitage.” Archaeological testing and data recovery methods will be implemented. Field documentation will include mapping, level record forms, wall profiles, and photography.</p> <p><u>Isolated Finds.</u> Isolated finds are three or fewer artifacts that occur within a restricted spatial context. Information potential is usually limited to location, material type, style, and function of the individual artifact. Isolated artifacts would be collected, and their location mapped using GPS or other mapping techniques. Artifacts would be processed in the laboratory along with other collected cultural materials.</p> <p><u>Burial Complexes/Cemetery.</u> Burial features can range in complexity from a simple isolated inhumation to more elaborate interments, or formal cemeteries, containing numerous bodies. Where appropriate, and based upon Native American consultation conducted under the authority of Senate Bill 18, these features shall be hand excavated for complete removal. This effort may include mapping, photography, removal, and packaging pending the decision of the Applicant and the Most Likely Descendent (MLD) for disposition of the remains.</p>	

Environmental Topic and Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Cultural Resources (continued)			
Impact CUL-2 (continued)		Mitigation Measure CUL-2a (continued)	
		<p>B. Data Recovery for Historic Era Resources</p> <p><u>Architectural Features.</u> If architectural features such as structural remains such as foundations, wall footings, basement walls, and floor remnants are identified, they shall be recorded through photography, drawings, and GPS data. American period architectural features with corroborated historical data would not be mitigated beyond those documentary efforts. If determined to be of the Spanish-Mission Period, the feature shall be divided in half or into quadrants, and excavated by natural stratigraphy.</p> <p><u>Infrastructure Features.</u> If infrastructure features are identified, they shall be recorded through photography, drawings, and GPS data. Infrastructure features with corroborated historical data would not be further mitigated beyond those documentary efforts. However, diagnostic artifacts may be collected.</p> <p><u>Agricultural Features.</u> If agricultural features are identified, the feature shall be recorded through photography, drawings, and GPS data. Agricultural features that do not also contain a refuse component would not be mitigated beyond those documentary efforts. However, diagnostic artifacts may be collected.</p> <p><u>Refuse Features.</u> Refuse features are the most common expected historic property type, and include pits, privies, and wells. If encountered and determined to be significant, features shall be divided in half or into quadrants, and excavated by natural stratigraphy. The Field Director shall assign new context numbers as each stratigraphic layer and soil type is encountered. Descriptions of each context shall include Munsell color descriptions, texture, natural and cultural inclusions, depths below datum, thickness, and contacts between strata. Technicians shall take photographs at the start of each new context as it is encountered in the field.</p> <p><u>Industrial Process Features.</u> Industrial property types for the project site are expected to include features associated with 19th century warehouse facility and railroad-related structures. If industrial features are identified, and are determined to be in contaminated soils, photography and GPS data shall be collected at a safe distance. If determined to be non-hazardous, the feature shall be recoded through photography, drawings, and GPS data. Industrial features would not be mitigated beyond those documentary efforts. However, diagnostic artifacts may be collected.</p>	

Environmental Topic and Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Cultural Resources (continued)			
Impact CUL-2 (continued)		<p>Mitigation Measure CUL-2a (continued)</p> <p><u>Ceremonial</u>. Ceremonial sites are where people intentionally buried their dead. Burial sites range from isolated burials in shallow holes to elaborate interments, such as whole cemeteries that may possess numerous bodies. Where appropriate and based upon Native American consultation conducted under the authority of Public Resources Code 5097.9, these features shall be hand excavated for complete removal. This effort may include mapping, photography, removal, and packaging pending the decision of the Applicant and the Most Likely Descendent (MLD) for disposition of the remains.</p> <p>C. Laboratory Studies</p> <p>All Pre-Colonial and Historic-Era archaeological resources and human remains shall be evaluated at a cultural resources laboratory. Resources recovered during excavation will be evaluated by following the protocol for washing, sorting, labeling, carbon dating, and other routine analyses. The resulting analytical information shall then be recorded in a computer database.</p> <p>D. Curation</p> <p>Upon completion of laboratory analysis, the Applicant or designee shall cause materials for curation to be placed in archival quality, long-term storage packing materials, including acid-free boxes, inert polyethylene plastic bags, and acid-free paper labels. Certain materials that do not have long-term research or interpretive value may be discarded after documentation. All curation methods shall meet current professional standards and will follow to the extent feasible the guidelines set forth in 36CFR79, Curation of Federally owned and Administered Collections. Documentary materials, such as progress reports, photographs, computer disk files, field notes, and other pertinent records must be permanently stored with the artifact collections. The land owner or designee shall make every reasonable effort to make the collection available to scholars and access shall be based on a written and accepted request.</p> <p>E. Public Interpretation</p> <p>The Secretary of the Interior's Standards for Archaeological Documentation encourages public interpretation of archaeological data where merited by the findings. There is a high probability for recovering resources within the project site that have the potential for expanding the public's understanding of the establishment of and life in Mission Santa Clara, the transformation of the mission to an important Mexican and later American settlement in the first years of</p>	

Environmental Topic and Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Cultural Resources (continued)			
Impact CUL-2 (continued)		Mitigation Measure CUL-2a (continued)	
		<p>statehood, and the development of commercial agricultural interests in the second half of the nineteenth century.</p> <p>The Applicant shall participate in the historical interpretation effort in one or more of the following ways.</p> <p>The Applicant shall make all curated materials, documents, maps, photographs, and reports available to historical societies, museums, and libraries for use in interpretive displays and programs.</p> <p>The Applicant will develop interpretive outdoor signage in public spaces at the project site, which will describe both the importance of the project parcel in the history of Santa Clara, and the findings of the archaeological data recovery program.</p> <p>The Applicant shall create similar interpretive displays in interior spaces in the project structures.</p> <p>Mitigation Measure CUL-2b: Discovery of Human Remains</p> <p>The treatment of human remains and of associated or unassociated funerary objects discovered during any soil-disturbing activity within the project site shall comply with applicable State laws. This shall include immediate notification of the Santa Clara County Medical Examiner and the City of Santa Clara.</p> <p>In the event of the coroner's determination that the human remains are Native American, notification of the Native American Heritage Commission is required, who shall appoint a Most Likely Descendant (MLD) (Public Resources Code Section 5097.98).</p> <p>The Applicant, archaeological consultant, and MLD shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. The California Public Resources Code allows 48 hours to reach agreement on these matters. If the MLD and the other parties do not agree on the reburial method, the project will follow Public Resources Code Section 5097.98(b) which states that "the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance."</p>	

Environmental Topic and Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Cultural Resources (continued)			
Impact CUL-3			
The proposed project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature.	Less than significant	No mitigation is required.	Less than significant
Cumulative Impact CUL-1			
The proposed project, in conjunction with other past, present and reasonably foreseeable future development, could result in significant cumulative cultural resource impacts.	Significant	No mitigation measures are feasible.	Significant and unavoidable
Greenhouse Gas Emissions			
Impact GHG-1			
The proposed project would generate greenhouse gas emissions, either directly or indirectly, that would not have a significant impact on the environment.	Less than significant	No mitigation is required.	Less than significant
Impact GHG-2			
Operation of the proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions.	Less than significant	No mitigation is required.	Less than significant
Cumulative Impact GHG-1			
The proposed project would not result in a significant cumulative GHG impact.	Less than significant	No mitigation is required.	Less than significant
Hazards and Hazardous Materials			
Impact HAZ-1			
The proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	Less than significant	No mitigation is required.	Less than significant

Environmental Topic and Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Hazards and Hazardous Materials (continued)			
Impact HAZ-2		Mitigation Measure HAZ-2	
The proposed project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	Potentially Significant	<p>Mitigation Measure HAZ-2a: The project shall be developed under a project-specific site management plan or similar response plan approved by an agency of applicable jurisdiction, such as the RWQCB, that is protective of construction workers, the general public, the environment, and future site occupants from known and unknown environmental conditions that may be present at the site. The site management plan or similar response plan shall be designed and implemented under the oversight of an appropriately credentialed environmental professional (e.g., California licensed Professional Engineer), and shall require:</p> <ul style="list-style-type: none"> • implementation of worker health and safety plan (HASp) covering project construction workers and post-construction maintenance workers and groundskeepers who may be potentially exposed to hazardous materials. At a minimum, the HASp shall comply with state and federal worker safety regulations and be protective of worker health consistent with state and federal guidelines. The HASp shall include measures such as training, signage, and personal protective equipment; • The site management plan or similar response plan shall include health based goals, consistent with state and federal standards and guidance documents (taking into account the presence of naturally occurring constituents). These goals shall be achieved through one or more of the of the following or similar site management strategies or approaches: (1) excavation or extraction of impacted soil or groundwater and disposal in accordance with applicable regulations; (2) implementation of effective engineering controls (e.g., barriers, caps, onsite encapsulation, mechanical ventilation); (3) onsite treatment of soil or groundwater; or (4) implementation of institutional controls (e.g., land use covenants prohibiting the use of groundwater); • procedures to provide notice to the City of Santa Clara Fire Department for the removal of USTs and comply with the substantive City requirements should an UST or other underground structure be discovered on the project site, and address any associated soil impacts; • procedures for evaluating and discharging dewatering water; and 	Less than significant

Environmental Topic and Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Hazards and Hazardous Materials (continued)			
Impact HAZ-2 (continued)		<p>Mitigation Measure HAZ-2 (continued)</p> <ul style="list-style-type: none"> provisions to visually inspect for staining soil underlying existing buildings for potential unknown residual environmental constituents, to stop work in the vicinity of such discovery until notice to the oversight agency and appropriately credentialed environmental professional has been provided, and direction for further action received. <p>Mitigation Measure HAZ-2b: Prior to dewatering, the project applicant will obtain and comply with all applicable permits and requirements prior to the discharge of any groundwater to surface waters (storm drains) or sanitary sewers. Requirements may include treatment, monitoring, and reporting to ensure that the discharge meets the appropriate water quality objectives for the receiving waters.</p> <p>Mitigation Measure HAZ-2c: The metallic mass shall be removed under the jurisdiction of an appropriately credentialed environmental professional and agency of applicable jurisdiction, if the mass is determined to be an underground storage tank or other regulated subsurface structure. Previously unidentified soil contaminants associated with the mass, if any, shall be removed and properly disposed of at an appropriately permitted facility.</p> <p>Mitigation Measure HAZ 2d: If evidence of contaminated soil and/or groundwater, such as discolored soil, odors or oil sheen, is encountered during excavation and/or grading for off-site utility improvements, the construction contractor shall stop work and immediately inform the Applicant and City staff. An appropriately credentialed (e.g., California licensed Professional Engineer) shall be contracted to conduct an on-site assessment. If the materials are determined to pose a risk to the public or construction workers, the environmental professional shall prepare and submit a site management plan to the appropriate agency and the project will comply with all federal, state, and local laws for the handling and disposal of contaminated soils and/or groundwater.</p>	
Impact HAZ-3			
The proposed project would not expose future project site residents to substantial risk associated with hazardous materials storage and use on nearby properties.	Less than significant	No mitigation is required.	Less than significant

Environmental Topic and Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Hazards and Hazardous Materials (continued)			
Impact HAZ-4			
The proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	Less than significant	No mitigation is required.	Less than significant
Impact HAZ-5	Potentially Significant	Mitigation Measure HAZ-5 Implement Mitigation Measures HAZ-2a and HAZ-2c .	Less than significant
The proposed project is not located on a list of hazardous material sites subject to corrective action compiled pursuant to Government Code Section 65962.5 (Cortese List), but is listed on a number of other government databases and contains residual contamination that exceeds environmental thresholds.			
Impact HAZ-6			
The proposed project would not result in a safety hazard to aircraft due to building construction or result in a safety hazard due to aircraft for people living or working on the site.	Less than significant	No mitigation is required.	Less than significant
Impact HAZ-7			
The proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan nor would the proposed project expose people or structures to a significant risk of loss, injury, or death involving wildland fires.	No impact	No mitigation is required.	No impact
Cumulative Impact HAZ-1			
The proposed project, in conjunction with other past, present and reasonably foreseeable future development, would not result in significant cumulative impacts related to hazardous materials.	Less than significant	No mitigation is required.	Less than significant

Environmental Topic and Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Land Use and Planning			
Impact LU-1			
The proposed project would not physically divide an established community.	Less than significant	No mitigation is required.	Less than significant
Impact LU-2			
The proposed project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.	Less than significant	No mitigation is required.	Less than significant
Impact LU-3			
The proposed project would not conflict with any applicable habitat conservation plan or natural community conservation plan.	No Impact	No mitigation is required.	No impact
Cumulative Impact LU-1			
The proposed project, in conjunction with other past, present and reasonably foreseeable future development, would not result in significant cumulative impacts related to land use and planning.	Less than significant	No mitigation is required.	Less than significant
Noise			
Impact NOISE-1			
Residential uses proposed at the project site would be exposed to exterior noise levels greater than those considered “compatible” per the City of Santa Clara General Plan, the State Building Code, and CALGreen.	Potentially Significant	Mitigation Measure NOISE-1 Mitigation Measure NOISE-1a: A project-specific acoustical analysis shall be prepared by a qualified acoustical consultant as the project design is refined to determine specific noise attenuation improvements (e.g., STC ratings, exterior wall construction, treatment of facade openings) that must be included in the project to reduce interior noise levels to meet the City of Santa Clara and the State Building Code criterion of an Ldn of 45 dB or less for residential developments. The results of the analysis and recommended ratings for windows and doors shall be submitted to the City Building Official for approval and approved prior to issuance of building permits. Forced air mechanical ventilation, satisfactory to the City Building Official, shall be considered where windows must remain closed in order to achieve the interior noise criteria.	Less than significant

Environmental Topic and Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Noise (continued)			
Impact NOISE-1 (continued)		Mitigation Measure NOISE-1 (continued) Mitigation Measure NOISE-1b: In the event that outdoor-use spaces are not completely shielded from adjacent roadways by the proposed structure, a project-specific acoustical analysis shall be prepared by a qualified acoustical consultant as the project design is refined to determine specific noise attenuation improvements (e.g., reconfiguration, sound walls, glass screen, or other equivalent measures) that must be included in the project to reduce exterior noise levels to meet the City outdoor noise guidelines for primary outdoor-use spaces. The results of the analysis and recommended noise attenuation improvements shall be submitted to the City Building Official for approval and approved prior to issuance of building permits.	
Impact NOISE-2 Residential and commercial uses proposed at the project site would not be exposed to groundborne vibration levels from rail sources in excess of assessment guidelines set forth by Federal Transit Administration.	Less than significant	No mitigation is required.	Less than significant
Impact NOISE-3 Project generated traffic would not substantially increase noise levels at noise-sensitive land uses.	Less than significant	No mitigation is required.	Less than significant
Impact NOISE-4 Noise from heating, ventilating, and air conditioning equipment for the proposed buildings may exceed the City's daytime and nighttime noise standards at existing neighboring residential properties and the daytime and nighttime noise standards at existing neighboring commercial properties.	Potentially Significant	Mitigation Measure NOISE-4 Mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the City's Noise Ordinance requirements. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are developed to determine specific noise reduction measures necessary to reduce noise to comply with the City's Noise Ordinance. Noise reduction measures could include but are not limited to selection of equipment that emits low noise levels and/installation of noise barriers such as enclosures and parapet walls to cut the line of sight between the noise source and the nearest receptors.	Less than significant
Impact NOISE-5 Noise generated by the proposed parking garages would not result in a substantial permanent increase in ambient noise levels at existing neighboring properties or at residential properties within the project site.	Less than significant	No mitigation is required.	Less than significant

Environmental Topic and Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Noise (continued)			
Impact NOISE-6		Mitigation Measure NOISE-6	
Noise generated by construction activities on the project site would substantially increase noise levels at residential and other noise sensitive land uses in the vicinity of the project site.	Potentially Significant	<p>Construction-related activities shall be conducted in accordance with the following:</p> <ul style="list-style-type: none"> Based on the final construction plan and equipment list, a site specific noise reduction plan shall be prepared by a qualified acoustical consultant, detailing locations of construction noise barriers and other site mitigation, to reduce noise levels at adjacent residential properties. Pursuant to the Santa Clara City Code, construction activities within 300 feet of any residence shall be limited to the hours of 7:00 AM to 6:00 PM, Monday through Friday and 9:00 AM to 6:00 PM on Saturday. No construction shall occur on Sundays and holidays. During construction, mufflers shall be provided for all heavy construction equipment and all stationary noise sources in accordance with the manufacturers' recommendations. Unnecessary idling of internal combustion engines shall be limited. Stationary noise sources and staging areas shall be located as far as is feasible from existing residences, or contractors shall be required to provide additional noise-reducing engine enclosures (with the goal of achieving approximately 10 dB(A) of reduction compared to uncontrolled engines). Locating stationary noise sources near existing roadways away from adjacent properties is recommended (i.e., at the southwest corner of the project site). Air compressors and pneumatic equipment shall be equipped with mufflers, and impact tools shall be equipped with shrouds or shields. If for construction purposes, locating stationary construction equipment near existing residential uses is required, an eight foot tall sound-rated fence should be erected between the equipment and the sensitive receptors. The fence should be located as close to the equipment as is feasible. Construction vehicle access routes shall be designed to minimize the impact on existing residences. The vehicle access route shall be along El Camino Real. A "construction liaison" shall be designated to ensure coordination between construction staff and neighboring properties to minimize disruptions due to construction noise. Occupants and property owners adjacent to the construction activity shall be notified in writing of the construction schedule and the contact information for the construction liaison. 	Less than significant

Environmental Topic and Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Noise (continued)			
Impact NOISE-6 (continued)		Mitigation Measure NOISE-6 (continued)	
		<ul style="list-style-type: none"> A qualified acoustical engineer shall be retained to address neighbor complaints, if they occur. If complaints occur, noise measurements shall be conducted, to determine if construction noise levels at adjacent property lines are within the standards. Short-term or long-term construction noise monitoring may also be utilized, at the discretion of the acoustical engineer, to diagnose complaints and determine if additional mitigation is required for certain phases of construction. 	
Impact NOISE-7		Mitigation Measure NOISE-7	
The construction of the project could expose persons or structures off of the project site to excessive groundborne vibration.	Potentially Significant	<p>Construction-related activities shall be conducted in accordance with the following:</p> <ul style="list-style-type: none"> Within 45 feet of any existing structure that is over 50 years old: <ul style="list-style-type: none"> Compaction activities shall not be conducted using a vibratory roller. Within this area, compaction shall be performed using smaller hand tampers. Demolition, earth-moving and ground-impacting operations shall be phased so as not to occur at the same time. Construction and demolition activities shall not involve clam shell dropping operations. Pursuant to the Municipal Code, construction activities within 300 feet of any residence shall be limited to the hours of 7 AM to 6 PM, Monday through Friday and 9 AM to 6 PM on Saturday. No construction shall occur on Sundays and holidays. A “construction liaison” shall be designated to ensure coordination between construction staff and neighboring properties to minimize disruptions due to construction vibration. Occupants and property owners adjacent to construction activity shall be notified in writing of the construction schedule and the contact information for the construction liaison. Vibration generating activities shall be scheduled during less sensitive times of day (i.e., middle of the day) as feasible. A pre-construction survey of buildings within 45 feet of construction activities shall be performed, including those at 3430/3450 The Alameda and 610/640 Harrison Street to document existing conditions. Vibration monitoring shall be performed at the start of each major construction phase to confirm vibration levels at the building setback and to determine if further mitigation is needed. Buildings shall be monitored during construction for structural damage. 	Less than significant

Environmental Topic and Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Noise (continued)			
Cumulative Impact NOISE-1			
The proposed project, in conjunction with other past, present and reasonably foreseeable future development, would not result in a significant cumulative noise impact.	Less than significant	No mitigation is required.	Less than significant
Public Services			
Impact PUB-1			
The proposed project would not require the construction of new or physically altered fire facilities.	Less than significant	No mitigation is required.	Less than significant
Impact PUB-2			
The proposed project would not require the construction of new or physically altered police facilities.	Less than significant	No mitigation is required.	Less than significant
Impact PUB-3			
The proposed project would not require the construction of new or physically altered school facilities.	Less than significant	No mitigation is required.	Less than significant
Impact PUB-4			
The proposed project would not require the construction of new or physically altered library facilities.	Less than significant	No mitigation is required.	Less than significant
Impact PUB-5			
Development of the proposed project would increase the use of existing neighborhood parks or other recreational facilities such that substantial physical deterioration of the facilities could occur or be accelerated. In addition, the demand created by the proposed project could require the construction of new or physically altered parks and recreation facilities.	Potentially Significant	Mitigation Measure PUB-5 The project applicant shall pay park in-lieu fees per City Code (Chapter 17.35) to satisfy the balance of the City's parkland dedication requirement. Any in-lieu fees imposed under this chapter shall be due and payable to the City prior to issuance of a building permit for each dwelling unit, consistent with City Code Chapter 17.35 and as specified in the Development Agreement for the project.	Less than significant

Environmental Topic and Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Public Services (continued)			
Cumulative Impact PUB-1			
The proposed project, in conjunction with other closely related past, present and reasonably foreseeable future development, would not result in a significant cumulative impact on public services.	Less than significant	No mitigation is required.	Less than significant
Transportation and Traffic			
Impact TRANS-1			
Development of the proposed project would not conflict with the applicable standards adopted by the local jurisdictions to evaluate the performance of CMP and non-CMP intersections under existing conditions.	Less than significant	No mitigation is required.	Less than significant
Impact TRANS-2			
Development of the proposed project would conflict with the applicable standards adopted by the local jurisdictions to evaluate the performance of CMP and non-CMP intersections under Background (2020) conditions.	Significant	No mitigation is feasible.	Significant and unavoidable
Impact TRANS-3			
Development of the proposed project would not result in a hazard due to a design feature.	Less than significant	No mitigation is required.	Less than significant
Impact TRANS-4			
Development of the proposed project would not result in inadequate emergency access.	Less than significant	No mitigation is required.	Less than significant
Impact TRANS-5			
Development of the proposed project would not conflict with policies, programs or plans for alternate transportation.	Less than significant	No mitigation is required.	Less than significant

Environmental Topic and Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Transportation and Traffic (continued)			
Cumulative Impact TRANS-1			
Development of the proposed project would conflict with the applicable standards adopted by the local jurisdictions to evaluate the performance of CMP and non-CMP intersections under Cumulative (2040) with project conditions.	Significant	No mitigation is feasible.	Significant and unavoidable
Utilities and Service Systems			
Impact UTL-1			
Development of the proposed project would not result in the need for new or expanded water supply entitlements.	Less than significant	No mitigation is required.	Less than significant
Impact UTL-2			
Development of the proposed project would require the construction of new or expanded water conveyance systems, the construction of which would not result in significant environmental effects.	Less than significant	No mitigation is required.	Less than significant
Impact UTL-3			
Development of the proposed project would not require the construction of new or expanded wastewater treatment facilities, nor would it result in a discharge that would cause the RWF to exceed the wastewater treatment requirements of the Regional Water Quality Control Board.	Less than significant	No mitigation is required.	Less than significant
Impact UTL-4			
Development of the proposed project would not require the construction of new or expanded wastewater conveyance systems.	Less than significant	No mitigation is required.	Less than significant
Impact UTL-5			
Development of the proposed project would require the construction of new storm water drainage facilities on site, the construction of which would not result in significant environmental effects.	Less than significant	No mitigation is required.	Less than significant

Environmental Topic and Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Utilities and Service Systems (continued)			
Impact UTL-6			
Development of the proposed project would generate solid waste, but not enough to require the expansion of the permitted capacity of a regional landfill.	Less than significant	No mitigation is required.	Less than significant
Impact UTL-7			
Development of the proposed project would comply with all applicable federal, State, and local statutes and regulations related to solid waste.	Less than significant	No mitigation is required.	Less than significant
Impact UTL-8			
The proposed project would comply with Title 24 and not result in the excessive consumption of energy resources that could not be accommodated by the long-term electricity supply and distribution system of SVP or the long-term natural gas supply and distribution system of PG&E.	Less than significant	No mitigation is required.	Less than significant
Impact UTL-9			
The proposed project would not involve a wasteful use of energy as related to project construction activities or transportation energy use.	Less than significant	No mitigation is required.	Less than significant
Cumulative Impact UTL-1			
The proposed project, in conjunction with other past, present and reasonably foreseeable future development, would not result in a significant cumulative impact on water supply, wastewater, solid waste, electricity, and natural gas.	Less than significant	No mitigation is required.	Less than significant

Environmental Topic and Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Other Resource Topics			
Impact AES-1			
The proposed project would have no effect on a scenic vista, or substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.	N/A ¹	N/A	N/A
Impact AES-2			
The proposed project would not substantially degrade the existing visual character or quality of the site and its surroundings.	N/A	N/A	N/A
Impact AES-3			
The proposed project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.	N/A	N/A	N/A
Impact AG-1			
The proposed project would not convert farmland to non-agricultural use, conflict with existing zoning for agricultural use or a Williamson Act contract, or conflict with existing zoning for, or cause rezoning of, forest land or timberland. In addition, the proposed project would not result in the loss of forest land or conversion of forest land to non-forest use, or involve other changes in the existing environment that could result in conversion of Farmland to non-agricultural use.	No impact	No mitigation is required.	No impact

¹ The proposed project is exempt from analysis of aesthetic impacts under Senate Bill 743, signed in to effect in September 2013. Refer to **Section 4.10** for further information regarding this provision.

Environmental Topic and Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Other Resource Topics (continued)			
Impact BIO-1		Mitigation Measure BIO-1	
The proposed project could have an adverse effect on special-status bird and non-special status bird species during the nesting season.	Potentially significant	<p>For the protection of special status bird species and birds species protected by the Migratory Bird Treaty Act and Fish and Game Codes, project activities shall occur during the non-breeding bird season to the extent feasible (September 1 – through January 31). However, if vegetation removal, grading, demolition of structures, or initial ground-disturbing activities must occur during the breeding season (February 1 through August 31), a survey for active bird nests shall be conducted by a qualified biologist no more than 14 days prior to the start of these activities. The survey shall be conducted in a sufficient area around the work site to identify the location and status of any nests that could potentially be affected by project activities.</p> <p>If active nests of protected species are found within project impact areas or close enough to these areas to affect breeding success, a work exclusion zone shall be established around each nest by a qualified biologist. Established exclusion zones shall remain in place until all young in the nest have fledged or the nest otherwise becomes inactive (e.g., due to predation).</p> <p>Appropriate exclusion zone sizes vary dependent upon bird species, nest location, existing visual buffers and ambient sound levels, and other factors; an exclusion zone radius may be as small as 50 feet (for common, disturbance-adapted species) or as large as 250 feet or more for raptors.</p> <p>Exclusion zone size may also be reduced from established levels if supported with nest monitoring by a qualified biologist indicating that work activities outside the reduced radius are not adversely impacting the nest.</p>	Less than significant
Impact BIO-2			
The proposed project would not affect any riparian habitat, sensitive natural community, or wetlands nor interfere with the movement of any wildlife species.	No impact	No mitigation is required.	No impact
Impact BIO-3			
The proposed project would not conflict with applicable policies protecting biological resources.	Less than significant	No mitigation is required.	Less than significant

Environmental Topic and Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Other Resource Topics (continued)			
Impact BIO-4			
The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other applicable habitat conservation plan.	No impact	No mitigation is required.	No impact
Impact GEO-1			
The proposed project would not expose people or structures to substantial adverse effects related to fault rupture, seismic ground shaking, and/or seismic-related ground failure.	Less than significant	No mitigation is required.	Less than significant
Impact GEO-2			
The proposed project would not result in substantial soil erosion nor be located on unstable soil. Finally, the proposed project would not require the use of septic tanks or alternative wastewater disposal systems.	Less than significant	No mitigation is required.	Less than significant
Impact HYD-1		Mitigation Measure HYD-1	
The proposed project could result in the discharge of storm water that would violate any water quality standards or otherwise substantially degrade water quality.	Potentially Significant	Implement Mitigation Measure HAZ-2b.	Less than significant
Impact HYD-2			
The proposed project would not substantially deplete groundwater supplies, interfere substantially with groundwater recharge, or affect groundwater quality.	Less than Significant	No mitigation is required.	Less than significant

Environmental Topic and Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Other Resource Topics (continued)			
Impact HYD-3			
The proposed project would not substantially alter the existing drainage pattern of the site or area in a manner that would result in substantial erosion, siltation, or flooding on-site or off-site. In addition, the project would not result in runoff that would exceed the capacity of existing or planned stormwater drainage systems.	Less than significant	No mitigation is required.	Less than significant
Impact HYD-4			
The proposed project would not place housing or structures within a 100-year flood hazard area.	No impact	No mitigation is required.	No impact
Impact HYD-5			
The proposed project would not expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam or inundation by seiche, tsunami, or mudflow.	No impact	No mitigation is required.	No impact
Impact MR-1			
The proposed project would not result in the loss of availability of a known mineral resource or in the loss of availability of a locally important mineral resource recovery site.	No impact	No mitigation is required.	No impact
Impact PH-1			
The proposed project would not induce substantial population growth in the area, either directly or indirectly, nor would it displace substantial numbers of existing housing or people necessitating the construction of replacement housing elsewhere.	Less than significant	No mitigation is required.	Less than significant

**Table 1.0-2
Summary Comparison of Project Alternatives**

	Project Impact	Proposed Project (Before and After Mitigation)	No Project Alternative	Planned Development Alternative	Reduced Residential Density Alternative
AIR-1	Construction activities associated with the proposed project would not result in a violation of an air quality standard, contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase of a criteria pollutant for which the project region is non-attainment under an applicable national or state ambient air quality standard (including resulting in emissions which exceed quantitative thresholds for ozone precursors), but would result in substantial dust emissions.	S/LTS	NE	S-/LTS	S-/LTS
AIR-4	Project construction activities and operations would expose existing or future sensitive receptors to substantial pollutant concentrations.	S/LTS	NE	S-/LTS	S-/LTS
AIR-5	Project operation would expose project sensitive receptors to substantial pollutant concentrations.	S/LTS	NE	S-/LTS	S-/LTS
BIO-1	The proposed project could have an adverse effect on special-status bird and non-special status bird species during the nesting season.	PS/LTS	NE	PS=/LTS	PS=/LTS
CUL-1	The proposed project would potentially cause a substantial adverse change in the significance of a historic architectural resource as defined in CEQA Guidelines §15064.5.	S/SU	NE	S=/SU	S=/SU
CUL-2	The proposed project would potentially cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5, and would disturb any human remains, including those interred outside of formal cemeteries.	PS/LTS	NE	PS=/LTS	PS=/LTS
CUM CUL-1	The proposed project, in conjunction with other past, present and reasonably foreseeable future development, could result in significant cumulative cultural resource impacts.	S/SU	NE	S=/SU	S=/SU

Project Impact		Proposed Project (Before and After Mitigation)	No Project Alternative	Planned Development Alternative	Reduced Residential Density Alternative
HAZ-2	The proposed project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	PS/LTS	NE	PS=/LTS	PS=/LTS
HAZ-5	The proposed project is not located on a list of hazardous material sites subject to corrective action compiled pursuant to Government Code Section 65962.5 (Cortese List), but is listed on a number of other government databases and contains residual contamination that exceeds environmental thresholds.	PS/LTS	NE	PS=/LTS	PS=/LTS
HYD-1	The proposed project could result in the discharge of storm water that would violate any water quality standards or otherwise substantially degrade water quality.	PS/LTS	NE	PS=/LTS	PS=/LTS
NOISE-1	Residential uses proposed at the project site would be exposed to exterior noise levels greater than those considered “compatible” per the City of Santa Clara General Plan, the State Building Code, and CALGreen.	PS/LTS	NE	PS-/LTS	PS-/LTS
NOISE-4	Noise from heating, ventilating, and air conditioning equipment for the proposed buildings may exceed the City’s daytime and nighttime noise standards at existing neighboring residential properties and the daytime and nighttime noise standards at existing neighboring commercial properties.	PS/LTS	NE	PS-/LTS	PS-/LTS
NOISE-6	Noise generated by construction activities on the project site would substantially increase noise levels at residential and other noise sensitive land uses in the vicinity of the project site.	PS/LTS	NE	PS-/LTS	PS-/LTS
NOISE-7	The construction of the project could expose persons and structures off of the project site to excessive groundborne vibration.	PS/LTS	NE	PS-/LTS	PS-/LTS
PUB-5	Development of the proposed project would increase the use of existing neighborhood parks or other recreational facilities such that substantial physical deterioration of the facilities could occur or be accelerated. In addition, the demand created by the proposed project could require the construction of new or physically altered parks and recreation facilities.	PS/LTS	NE	PS-/LTS	PS-/LTS

Project Impact		Proposed Project (Before and After Mitigation)	No Project Alternative	Planned Development Alternative	Reduced Residential Density Alternative
TRANS-2	Development of the proposed project would conflict with the applicable standards adopted by the local jurisdictions to evaluate the performance of CMP and non-CMP intersections under Background (2020) conditions.	S/SU	NE	LTS	S-/SU
CUM TRANS-1	Development of the proposed project would conflict with the applicable standards adopted by the local jurisdictions to evaluate the performance of CMP and non-CMP intersections under Cumulative (2040) with project conditions.	S/SU	NE	LTS	S-/SU

KEY

SU Significant and unavoidable

PS Potentially significant impact

LTS Less than significant impact

NE No Effect

= Impact similar to proposed project

- Impact less than proposed project

+ Impact greater than proposed project

2.0 COMMENTS ON THE DRAFT EIR AND RESPONSES TO COMMENTS

2.1 INDEX TO COMMENTS

All agencies, organizations, and individuals who commented on the Draft EIR are listed in **Table 2.0-1, Index to Comments**, below. As described in **Section 1.0, Introduction**, all comments on the Draft Environmental Impact Report (EIR) received in writing have been coded, and the codes assigned to each comment are indicated on the written communications.

**Table 2.0-1
Index of Comments**

Letter Number	Agency/Organization/Individuals Name
State Agencies	
SA-1	California Department of Transportation Patricia Maurice, District Branch Chief
SA-2	California Department of Parks and Recreation Office of Historic Preservation Julianne Polanco, State Historic Preservation Officer
Local Agencies	
LA-1	Santa Clara Valley Transportation Authority Roy Molseed, Senior Environmental Planner
LA-2	San Jose International Airport Cary Greene, Airport Planner
LA-3	Santa Clara Unified School District Mark Allgire, CPA, Assistant Superintendent
Organizations	
ORG-1	Silicon Valley Leadership Group Carl Guardino, President and CEO
ORG-2	Silicon Valley Bicycle Association Shiloh Ballard, President and Executive Director
ORG-3	Santa Clara Woman's Club Donna Marencia, President
ORG-4	Santa Clara University Michael A. Hindery, Vice President
Individuals	
IND-1	Joy Shurts
IND-2	Lorie Garcia
IND-3	Craig Mineweaser
IND-4	Janet Stevenson
IND-5	Brandon Reinhardt
IND-6	Cynthia Owens
IND-7	Fred Raia

IND-8	Michael & Rita Fallon
IND-9	Christopher Barnett
IND-10	Noreen Carlson
IND-11	Stan Carlson
IND-12	Lorie Garcia
IND-13	Sudhanshu Jain
IND-14	Brian Goldenberg
IND-15	Daniele Souza
IND-16	Ruben Camacho
IND-17	Christine Pfendt
IND-18	Freda Hudson

2.2 GENERAL RESPONSE

Disagreement among Experts

A number of commenters have asserted their credentials as experts in cultural (historic and archeological) resources and have expressed their disagreement with the analysis, evaluations, and conclusions found in the Draft EIR **Section 4.2, Cultural Resources**. CEQA does not require that all disagreements among experts be reconciled in a Final EIR. In fact, CEQA recognizes that experts can disagree. CEQA requires that the main points of disagreement be summarized;¹ as such, these main points are discussed detail in the Responses to Individual Comments, included below in this section.

In certifying the Final EIR, the City decisionmakers will be required to weigh the accuracy and sufficiency of the information in both the Draft EIR and Final EIR, and decide whether it reflects the independent judgment and analysis of the City. The City decisionmakers may properly defer to the conclusions presented in the Draft and Final EIR, even though other experts disagree, or may reach different conclusions.

Existence of differing opinions arising from the same pool of information is not a basis for finding the EIR to be inadequate. *Eureka Citizens for Responsible Gov't v. City of Eureka* (2007) 147 Cal.App.4th 357, 371-72;. Moreover, if supported by substantial evidence, the City may reject criticism from an expert or a regulatory agency. *California Native Plant Soc'y v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603, 625-26.

¹ CEQA Guidelines Section 15151, *Standards for Adequacy of an EIR*.

2.3 RESPONSES TO INDIVIDUAL COMMENTS

This section presents all written comments received on the Draft EIR and responses to individual comments.

The responses to comments are designed to provide an adequate response, highlight the reasons the Draft EIR concluded as it did about any potential environmental consequences, and where relevant, point to the analysis supporting the conclusions. In addition, the responses to comments have been prepared in such a way as to summarize and highlight points of disagreement. Thus the public and City decisionmakers will have before them in the Final EIR, a reference to the relevant portions of the Draft EIR, the reasons for those conclusions, references to the data supporting those conclusions, the comments of those who disagree with the conclusions, and responses to those comments that highlight how they may differ from or be reconciled with the Draft EIR. In this way, the City decisionmakers and the public are presented with a full discussion of the potential environmental impacts of the project.

Letter No. SA-1

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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 4
P.O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5528
FAX (510) 286-5559
TTY 711
www.dot.ca.gov



Serious Drought.
Help save water!

December 31, 2015

SCL082480
SCL/82/PM R11.2
SCH# 2015032076

Mr. Yen Chen
Department of Planning
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

Dear Mr. Chen:

Mission Town Center – Draft Environmental Impact Report

Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. Caltrans has reviewed the Draft Environmental Impact Report (DEIR) to ensure consistency with its mission and state planning priorities of infill, conservationism, and efficient development. Please refer to the previous comment letter, dated April 27, 2015, on this project. Caltrans provides these comments consistent with the State's smart mobility goals to support a vibrant economy and build communities, not sprawl.

Project Understanding

The proposed project would demolish the existing use and construct an infill, mixed-use residential community consisting of 450 residential rental apartment units, 9,000 gross square feet (gsf) of conditioned amenities space, and four distinct private open space areas. The proposed project also includes approximately 27,000 gsf of ground floor retail.

Lead Agency

As the lead agency, the City of Santa Clara (City) is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Traffic Impacts

Please provide Caltrans with the 95th percentile queuing analysis for the left-turn lane traffic on northbound State Route (SR) 82 (El Camino Real) to Benton Street to analyze if there is enough left turn storage, so the queue does not back up into the SR 82 mainline. If the length of the

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

1

2

3

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Mr. Yen Chen/City of Santa Clara
December 31, 2015
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queue generated from the project exceeds the actual vehicle storage length at the intersection, then mitigation should be provided.

3

Vehicle Trip Reduction

Caltrans recommends reducing the project's proposed parking supply. The project proposes to provide 839 parking spaces, exceeding the City's parking requirement. Also, the project is located within 0.5 mile of the Santa Clara Caltrain Station and a transit-rich neighborhood. Please refer to "Reforming Parking Policies to Support Smart Growth," a MTC study funded by Caltrans, for sample parking ratios and strategies that support compact growth. Reducing parking supply can encourage alternate forms of transportation, reduce regional vehicle miles traveled (VMT), and lessen future traffic impacts on SR 82 and the State Highway System (SHS).

4

Caltrans encourages the City to locate future housing, jobs, and employee-related services near major mass transit centers with connecting streets configured to facilitate walking and biking. This would promote mass transit use thereby reducing regional and traffic impacts. Caltrans recommends that the project be required to implement a Travel Demand Management (TDM) program to reduce impacts to the SHS and encourage walking, bicycling, and public transportation use. Although the DEIR states that TDM measures are not required of very high density residential uses in this district per the City's Climate Action Plan, Caltrans recommends TDM measures to mitigate impacts to the SHS.

5

The TDM measures should be clear and specific, and should be monitored over time with annual reporting by an onsite TDM coordinator to demonstrate effectiveness, ensure compliance, and survey the travel patterns of residents, employees, and customers. This smart growth approach is consistent with MTC's Regional Transportation Plan/Sustainable Community Strategy goals of both increasing non-auto mode transportation, and reducing per capita VMT by 10 percent each.

Traffic Impact Fees

Given the project's contribution to area traffic and its proximity to SR 82, the project should contribute fair share traffic impact fees. These contributions would be used to lessen future traffic congestion and improve transit in the project vicinity.

6

Voluntary Contribution Program

Caltrans encourages the City to participate in the Santa Clara Valley Transportation Authority's voluntary contribution program and plan for the impact of future growth on the regional transportation system.

7

Traffic Control Plan (TCP)

Since it is anticipated that vehicular, bicycle, and pedestrian traffic along SR 152 will be impacted during the construction of the proposed project requiring traffic restrictions and detours, a Caltrans-approved TCP is required to avoid project-related impacts to the SHS. The TCP must also comply with the requirements of corresponding jurisdictions. In addition, pedestrian access through the construction zone must be in accordance with the Americans with Disabilities Act (ADA) regulations (see Caltrans' *Temporary Pedestrian Facilities Handbook* for

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maintaining pedestrian access and meeting ADA requirements during construction at: www.dot.ca.gov/hq/construc/safety/Temporary_Pedestrian_Facilities_Handbook.pdf (see also Caltrans' Traffic Operations Policy Directive 11-01 "Accommodating Bicyclists in Temporary Traffic Control Zones" at: www.dot.ca.gov/hq/traffops/policy/11-01.pdf).

For further TCP assistance, please contact the Caltrans District 4 Office of Traffic Management Operations at (510) 286-4579. Further traffic management information is available at the following website:
www.dot.ca.gov/hq/traffops/trafmgmt/tmp_ics/index.htm.

Encroachment Permit

Please be advised that any work or traffic control that encroaches onto the State ROW requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to: David Salladay, District Office Chief, Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. See this website for more information:
www.dot.ca.gov/hq/traffops/developserv/permits.

Should you have any questions regarding this letter, please contact Brian Ashurst at (510) 286-5505 or brian.ashurst@dot.ca.gov.

Sincerely,



PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

c: Scott Morgan, State Clearinghouse
Robert Swierk, Santa Clara Valley Transportation Authority (VTA) – electronic copy
Robert Cunningham, Santa Clara Valley Transportation Authority (VTA) – electronic copy

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

Letter No. SA-1 Letter from California Department of Transportation, dated December 31, 2015

Response SA-1-1

The comment restates the project components and does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. The comment is noted.

Response SA-1-2

The comment is noted.

Response SA-1-3

As requested the following information is provided regarding the 95th percentile queuing analysis for the left-turn lane traffic on northbound State Route (SR) 82 (El Camino Real) to Benton Street.

At El Camino Real and Benton Street the current configuration provides 150 feet of storage in the northbound left turn lane. The 95th percentile queues for northbound left-turn lane at El Camino Real and Benton Street for the plus project scenarios were calculated in Traffix 8 and are shown below:

- Existing AM – 50 feet
- Existing PM – 100 feet
- Background AM – 75 feet
- Background PM – 125 feet
- Cumulative AM – 75 feet
- Cumulative PM – 150 feet

The 95th percentile queues do not exceed the available 150 feet of storage under any of the plus project scenarios. Therefore, no mitigation is necessary.

Response SA-1-4

The City appreciates the feedback and agrees that limiting parking supply can reduce the number of vehicles trips, vehicle miles traveled (VMT), and impacts to the transportation system. However, there is no available validated methodology correlating parking reduction with reduced VMT. Additionally, due to concerns that reduced on-site parking might result in project residents, employees and visitors parking on nearby residential streets, no reduction of the parking supply on the site is planned at this time. However, as explained in more detail in the response below, the strategies of preferential carpool and vanpool parking along with unbundled parking will be implemented on site to reduce daily trips and in turn, reduce VMT associated with the project. The applicant has voluntarily committed to achieving a reduction of at least 10 percent in per capita VMT through the proposed TDM measures.

Response SA-1-5

The analysis of the project's transportation impacts incorporated Fehr & Peers' proprietary trip generation software, *Mainstreet*, to estimate the number of trips generated by the site in the context of the surrounding land use and transportation facilities. This approach more accurately reflects the reduced trip generation likely to occur on the site due to the close access to transit and mix of uses on site.

Being a mixed-use development within ½ mile of Santa Clara Station, the project locates future housing, jobs, and employee-related services near major mass transit. Additionally, the project incorporates a number of infrastructure improvements that facilitate walking and biking.

While the proposed project is not subject to the City's Climate Action Plan requirements to reduce VMT through TDM measures, the project applicant has agreed, on a voluntary basis and not as a mitigation measure, to prepare and implement a TDM program for the project. The TDM program will be subject to approval by the City's Planning Director prior to issuance of the first occupancy permits for the project.

TDM Program Goals: The overall goal of the project is to achieve a 20 percent reduction in VMT, with the goal that the TDM program will achieve a 10 percent reduction in VMT.

Project Design Features: Design features that will be incorporated into the project which will contribute to the overall 20 percent VMT reduction goal will include the following:

- Housing Density - Increased density is generally found to result in the shortening of distance that people travel and this shortening makes adoption of alternative modes such as walking or using a bicycle more feasible.
- Mixed Use - The mix of high-density housing as well as retail/restaurants provide land use diversity that will reduce automobile trips.
- Transit Accessibility - The close proximity of the project to the Santa Clara Station (Caltrain) will facilitate the use of transit.
- Pedestrian Orientated Design - The project will minimize barriers to pedestrian access and connectivity to surrounding pedestrian facilities. To encourage pedestrian access, the project will widen the sidewalks along Benton Street, El Camino Real, and The Alameda.
- Bicycle Trails - The project will provide a Class II bike lane along Benton Street and a Class III bike route (sharrows) along The Alameda.
- Bicycle Facilities - The project will provide both Class 1 (for residents and employees) and Class 2 (for visitors) bicycle parking spaces. An on-site bicycle repair stand will be provided, including bike tools and air pump.
- Carpool/Van Pool Parking - Reserved parking spaces will be provided for carpools and vanpools.

- Carshare Parking- Two (2) parking stalls will be dedicated for Carshare.

TDM Program Elements: The following is a list of potential TDM measures that may be incorporated into the TDM program in order to achieve the 10 percent reduction goal:

- Transportation Coordinator - A designated staff member or consultant responsible for developing, marketing, implementing and evaluating the TDM program.
- New Employee/Resident Orientation to TDM program - Information about the TDM program elements provided to all new employee and resident welcome packages.
- Rideshare Matching Services - Transportation Coordinator would provide rideshare matching to all employees based on location and schedule.
- Guaranteed Ride Home - Employees who use transit, carpool or vanpool are guaranteed a free ride home in case of emergency.
- Unbundled Parking - The cost to lease a second parking space for residents could be unbundled from the cost of housing.
- Transportation Information Boards and Website - Information to be posted at the leasing office and project website regarding alternative transportation services and contact information.
- Promotional Events - Promotional events for walking, biking or transit to provide information, answer questions and to encourage these alternative modes.

TDM Program Monitoring: In order to monitor the performance of the TDM measures relative to the stated VMT reduction goals, the following monitoring measures will be followed on annual basis:

- Once the project reaches 85 percent occupancy, 24 hour vehicle counts at all site access points will be conducted by a third party during a typical non-holiday/non-summer week.
- Within one month of completing the data collection, the third party monitor will submit a letter to the City of Santa Clara documenting:
 - What TDM measures are currently in operation;
 - Based on the results of the vehicle counts, an assessment as to whether the overall 20 percent VMT reduction and the 10 percent TDM reduction has been achieved; and
 - If the percentage reductions have not been met, the letter shall include a description of additional TDM measures that will be incorporated in order to meet the VMT reduction goals.
- The annual report to the City will be continue until such time that the City is satisfied that the VMT goals have been met and as long as the TDM measures have not been materially modified.

Response SA-1-6

Comment noted. The analysis in the Draft EIR did not identify any significant traffic impacts to State highways or other transportation facilities that would require mitigation or a fair share contribution. The project applicant may, as part of the future Development Agreement (DA), make a voluntary contribution for traffic improvements that is not tied to any specific impact or mitigation measure.

Response SA-1-7

Comment noted. See **Response SA-1-6** above.

Response SA-1-8

Comment noted. As noted in the Draft EIR Project Description on page 3.0-27, the proposed project will require construction within the right-of-way along El Camino Boulevard (State Route [SR] 152) to upgrade utilities and thus would have the potential to temporarily affect vehicular, bicycle, and pedestrian traffic on this route. The project applicant will submit a Traffic Control Plan (TCP) to Caltrans for approval prior to the start of project construction. The TCP will include provisions providing for pedestrian access through the construction zone in accordance with the Americans with Disabilities Act (ADA) regulations.

Response SA-1-9

Comment noted. The project will require construction within the right-of-way (ROW) along El Camino Boulevard (SR 152) to upgrade utilities. The applicant will obtain an encroachment permit from Caltrans prior to the start of construction within the State ROW.

Letter No. SA-2

STATE OF CALIFORNIA – THE NATURAL RESOURCES AGENCY

EDMUND G. BROWN, JR., Governor

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

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www.ohp.parks.ca.gov



January 4, 2016

Yen Han Chen
Associate Planner
City of Santa Clara Planning Division
1500 Warburton Avenue
Santa Clara, CA 95050
Sent via email January 4, 2016

Dear Yen Han Chen,

**RE: MISSION TOWN CENTER PROJECT DRAFT ENVIRONMENTAL IMPACT
REPORT**

Thank you for including the California Office of Historic Preservation (OHP) in the environmental review process for the proposed Mission Town Center Project (proposed project). Pursuant to the National Historic Preservation Act and the California Public Resources Code, the State Historic Preservation Officer (SHPO) and the OHP have broad responsibility for the implementation of federal and state historic preservation programs in California. Our comments are offered with the intent of protecting historic and cultural resources, while allowing the City of Santa Clara (Lead Agency) to meet its program needs. The following comments are based on the information included in the Draft Environmental Impact Report (DEIR) for the proposed project.

The project includes developing a residential community that incorporates smart-growth elements such as higher-density development along established transit corridors. The project will demolish (or relocate) the existing buildings on the project site. Located several blocks north of Santa Clara University (SCU), the development includes several multi-story buildings, and a six-story parking structure, with one level below-grade. Underground infrastructure will be necessary to serve the development, including electrical, sewer, water, and storm drainage. The proposed project site is located in an area (downtown Santa Clara) rich with historical resources associated with Native Americans in the Santa Clara Valley, the Mission Santa Clara, the transformation of the mission into an important Mexican and later American settlement in the first years of statehood, and the development of commercial agricultural center in the second half of the nineteenth century.

Archeological testing of the project site identified historical resources that may be of particular importance to our understanding of California's Spanish Colonial Period at Mission Santa Clara. In the immediate area (roughly 155 feet south west of the project site) a separate project encountered a formal cemetery associated with the Santa Clara Mission. The northern boundary of this cemetery is unknown and may extend onto the project site. Approximately 700 feet south of the proposed project, a separate

Yen Han Chen
January 4, 2016
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development encountered a pre-contact ceremonial site (CA-SCL-755), which contained a formal cemetery with at least 31 Native American internments.

We have several concerns associated with the proposed mitigation measures included in the Draft EIR:

- CUL-1 states that the proposed project will have a significant cumulative impact to cultural resources. No mitigation measures are proposed to reduce this impact. Instead, the DEIR states that no mitigation measures are feasible. It is unclear what mitigation measures were considered by the Lead Agency and how those were determined infeasible. To address this impact, the Final EIR might include mitigation measures that have a public benefit component to offset this cumulative impact to cultural resources. Mitigation measures might include funding an educational program at the Santa Clara Mission that focuses on the Native American population at the mission. 1
- CUL-1a calls for relocation of the historical buildings at 3410 and 3370 The Alameda, Santa Clara. The mitigation measure states that the lack of recipient sites for these resources would make the mitigation infeasible. We encourage the Lead Agency to amend this mitigation measure by requiring the applicant to secure a site as a condition of project approval. This recommendation is in keeping with CEQA Guidelines § 15126.4(2), which allows mitigation measures to be fully enforceable through permit conditions, agreements, or other legally-binding instruments. 2
- CUL-2a arbitrarily divides the project site into sensitivity zones. Based on the background research, and previous discoveries in the vicinity, it appears highly likely that resources may be encountered throughout the project site, not merely in the southern portion as identified in *Figure 54* of the Treatment Plan. The entire site should be consider highly sensitive, and include procedures to identify and evaluate potential resources using the gentlest means possible (hand excavation by qualified archeologists). 3
- CUL-2a (A)(1) describes a trenching method using a 46 cm flat-bladed bucket, and the Treatment Plan describes a "pedestal" method of identifying resources using mechanical excavation. This method (mechanical excavation) is likely to inadvertently damage the resource, and/or damage unidentified resources in the immediate area. In lieu of relying solely on mechanical excavation, please consider amending this mitigation to include the following: When an archaeological deposit or feature is identified, a professional archeologist, or team of archeologists, should expose the deposit or feature **by hand** in order to appropriately evaluate and document the discovery. 4
- CUL-2a(2) uses a point system to evaluate Pre-Colonial Era resources. The higher the score, the more likely the resource is to be considered significant. This system evaluates the resources without considering the larger archeological district associated with pre-contact Native Americans and with the Spanish 5

Yen Han Chen
January 4, 2016
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Colonial Period, which may include the project site. A potential district has not been discussed within the evaluation, but should be considered. Any impact to resources within the project site associated with a larger archeological district, could potentially impact the district as a whole.

5

Resources on the project site associated with the Mission Period are likely eligible for listing on the California Register of Historical Resources (CRHR) under the same eligibility criteria that make the Mission itself significant, which includes their association with events that have made a significant contribution to the broad patterns of California's history and cultural heritage (Criterion 1); and the ability to yield or may be likely to yield, information important in prehistory or history (Criterion 4). Documentation alone is not capable of reducing impacts to historical resources eligible for listing on the CRHR under Criterion A because these resources are important beyond their data potential.

6

If you have questions, please contact Sean de Courcy of the Local Government and Environmental Compliance Unit, at (916) 445-7042 or at Sean.deCourcy@parks.ca.gov.

Sincerely,



Julianne Polanco
State Historic Preservation Officer

Letter No. SA-2 Letter from California Office of Historic Preservation, dated January 4, 2016

Response SA-2-1

Cumulative Impact CUL-1 on page 4.2-37 of the Cultural Resources section of the Draft EIR presents an evaluation of the cumulative impacts of the proposed project on cultural resources, including subsurface archaeological resources and historic architectural resources. With respect to historic architectural resources (i.e., the two homes determined to be historic resources), the EIR concludes that the project's contribution to the cumulative impact would be considerable (i.e., significant) in the event that sites cannot be found to relocate the homes and they have to be demolished. The mitigation measures considered by the City for impacts to the two homes are discussed on pages 4.2-23 and 4.2-24 of the Draft EIR, and referenced in the discussion of cumulative impacts (Cumulative Impact CUL-1) on pages 4.2-37 and 4.2-38 of the Draft EIR. No additional mitigation measures are feasible for this impact.

With respect to the project's cumulative impacts on archaeological resources, the City agrees with OHP's suggestion for mitigation measures that will reduce cumulative impacts to the archaeological resource represented at the project site as well those elements of the resource known to exist in surrounding areas. These are the various components of the third Mission Santa Clara, including the Mission buildings, infrastructure, and the large Native Rancheria at the Mission. Figure 5 on page 12 of the Cultural Resources Treatment Plan (Treatment Plan) prepared by Albion Environmental, Inc. (Albion) (included as Appendix 4.2a of the Draft EIR) shows the location of the third Mission Santa Clara church and cemetery in relation to the project site. Further, the Treatment Plan contains details of the Draft EIR Mitigation Measure CUL-2a that address the data potential of the presumed archaeological resources at the project site, as well as mitigation measures that address the broader significance of the Mission Era resources.

OHP recommends that the Final EIR include a public benefit component to offset the cumulative impact of the project on the third Mission Santa Clara. Please note that Draft EIR Mitigation Measure CUL-2a and the Treatment Plan include Public Interpretation as an element of the mitigation plan (see page 4.2-35 of the Draft EIR). The Public Interpretation element outlines the various ways in which the project applicant will participate in the historical interpretation effort. Additional details and specifics of public exhibit/educational program suggested by OHP will be decided upon based on the results of the data recovery and will likely include elements on historic architecture, colonial period and post-colonial period archaeology. Such a program would focus not only on the findings from the project site but also on the broader Mission era landscape surrounding the project site. The research questions guiding the work at the project site are identical to those guiding work at other portions of the third Mission Santa Clara site. This will facilitate a comprehensive interpretive program that will place the finding at the project site in the context of the broader third Mission Santa Clara site. The location and content of such a

program will be decided upon through consultation with the City of Santa Clara, Santa Clara Mission, representatives of the Native American community, and possibly Santa Clara University.

Response SA-2-2

The project applicant is committed to finding appropriate relocation sites for the houses currently located at 3410 and 3370 The Alameda, preferably within the Santa Clara Old Quad neighborhood, or another appropriate setting as determined by the City of Santa Clara Planning Department, and is currently conducting a search for appropriate properties. The City cannot make securing one or more sites for these resources a condition of project approval because a recipient site may not be available and hence relocation may not be feasible. Please note that all EIR mitigation measures, once approved by the City Council, would be legally binding on the project and the City will require the project applicant to relocate the two homes or to demonstrate to the City's satisfaction that the applicant tried their best to find an appropriate relocation site(s) for the two homes.

Response SA-2-3

The intent of dividing the project site into the sensitivity zones noted in Draft EIR Mitigation Measure CUL-2a and shown on Figure 54 of the Treatment Plan (included as Appendix 4.2a to the Draft EIR was not to suggest that any portion of the project site is not sensitive for archaeological resources. The City and Albion agree that the entire project site and areas in the vicinity of the project site where utilities to serve the project would be installed have the potential to contain subsurface resources and yield archaeological data (Appendix 4.2a pp. 1, 125, 132–135). However, Albion believes that the two-part spatial sensitivity model is appropriate for the project site. Based on archival research and testing, Albion has determined that there is a greater likelihood of encountering undisturbed deposits and features in the southern portion of the project site compared to the central and northern portions of the project. Therefore, Albion has put forth a staged approach to target areas which have a higher likelihood of containing intact resources (which Albion calls out as archaeologically more sensitive) differently from areas that have a lower likelihood of containing intact resources (those areas are presumed less sensitive). Figure 54 has been revised with clearer captions for each type of area. Text of Mitigation Measure CUL-2a has also been revised with clearer headers. Please refer to **Section 3.0, Revisions and Additions to the Draft EIR**, in this Final EIR.

The Treatment Plan proposes monitoring in the northern and central portions of the project site because this area has a lower likelihood of containing undisturbed intact resources. In contrast, the Treatment Plan proposes careful and controlled mechanical stripping in Step I and Step II areas (in the southern and southeastern portions of the project site), because previous research has demonstrated that late 19th century structures (like those present in Step I and Step II areas) did not disturb the subsurface

significantly and effectively protected the underlying deposits (Appendix 4.2a, page 125). The northern and central portions of the project site have not been protected by 19th century structures, and therefore there is a higher likelihood that the deposits in those portions are already disturbed. Therefore, the application of two different methods is appropriate for the project based on current knowledge. However, if this assessment proves to be incorrect, the Treatment Plan requires that work be halted and controlled mechanical stripping also be applied to the northern and central portions of the project site.

In addition, regardless of the predictive map in the Treatment Plan, the procedures to evaluate potential resources will be consistently implemented throughout the entire project site. In other words, whether a feature or deposit is identified during monitoring, or during mechanical stripping in Step I or Step II areas, the excavation and sampling protocols will be the same and will involve careful hand excavation as discussed further in **Response SA-2-4** below. Albion has used this approach for similar large scale projects on nearby parcels within and in the vicinity of the third Mission Santa Clara site, including Santa Clara University's Lucas Hall Business School, Parking Structure, Edward M. Dowd Art and Art History Building, and Jesuit Residence, all within three blocks or less of the project site.

Response SA-2-4

OHP's concern regarding limiting damage to a cultural resource is shared by the City and Albion, thus the sentence on page 125 of the Treatment Plan has been revised. Refer to **Section 3.0** in this Final EIR.

Response SA-2-5

Albion notes that currently there is no known archaeological district for pre-Colonial Era resources or Spanish Colonial Period resources in the immediate area. There are no pre-Colonial Era sites at or close to project site, and there is only one pre-Colonial Era resource (CA-SCLI-755) in the vicinity of the project site. Therefore, it is not possible to identify a pre-Colonial Era archaeological district at this time for the project site and/or surrounding area. Although there are Spanish Colonial Period resources in the immediate area, the resources are part of a single large archaeological site and are not multiple sites that could aggregate to form a Spanish Colonial Period archaeological district. As such, impacts to resources within the project site associated with a larger archaeological district and potential impacts to a district as a whole cannot be identified or determined. The City and Albion will, however, consider this comment when reporting on the project results.

Response SA-2-6

The City and Albion are in agreement with OHP that archaeological data recovery and documentation alone is not enough to reduce impacts to resources that are found to be significant under Criterion A. To this end, as noted above, the Draft EIR includes Mitigation Measure CUL-2a that provides for Public Interpretation (page 4.2-35 of the Draft EIR) as part of the Treatment Plan to mitigate the effects of the

project to those qualities that make the resource significant under Criterion A. This is more than simply data recovery and documentation, and will ensure that if cultural resources are found on the project site, they will be fully evaluated for their local, regional, and statewide importance and the information generated will be made available for the public and scholars.

The Treatment Plan identifies historical interpretation as a necessary mitigation measure (Appendix 4.2a page 140). In addition to making collections and analyses available to future scholars, the interpretive plan calls for exterior and interior public interpretive displays, and that these displays “describe the importance of the project parcel in the history of Santa Clara.” The plan therefore calls for placing the findings from the project site in the broader context of the history of Santa Clara, rather than narrowly interpreting the materials recovered from the project site.

Based on Albion’s experience and knowledge gained over a decade of archaeological investigations in the general project vicinity, Albion believes that the proposed mitigation for the Mission Town Center Project will yield important scientific data to successfully document the cultural resources and educate the community about the Mission period and post-Mission cultural adaptations.

Letter No. LA-1



January 4, 2016

City of Santa Clara
 Department of Planning
 1500 Warburton Avenue
 Santa Clara, CA 95050

Attention: Yen Chen

Subject: City File No. PLN2015-10980 / Mission Town Center

Dear Mr. Chen:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft EIR for 385 residential apartments and 27,000 Square feet of ground floor retail on a site bounded by Benton Street, Harrison Street, The Alameda, and El Camino. We have the following comments.

Land Use

VTA commends the land use intensification of the important site, strategically located on the transportation network in proximity to the Santa Clara Transit Center, served by Caltrain, ACE, Capitol Corridor, VTA Local Bus Lines 22, 60, and 81, VTA Community Bus Line 32, and VTA Rapid 522, which VTA is planning to upgrade to Bus Rapid Transit (BRT) service. The Santa Clara Station will also be served by BART in the future. This location is identified as a Station Area in VTA's Community Design & Transportation (CDT) Program Cores, Corridors and Station Areas framework, which shows VTA and local jurisdiction priorities for supporting concentrated development in the County. The CDT Program was developed through an extensive community outreach strategy in partnership with VTA Member Agencies, and was endorsed by all 15 Santa Clara County cities and the county.

1

Pedestrian Accommodations and Site Design

VTA commends the City and the project sponsor for the high-quality pedestrian realm improvements associated with the project, including tree wells at consistent intervals along El Camino Real, Benton Street and The Alameda, and curb extensions along portions of The Alameda and Benton Street. Resources on pedestrian quality of service, such as the Highway Capacity Manual 2010 Pedestrian Level of Service methodology, indicate that such accommodations improve pedestrian perceptions of comfort and safety on a roadway. Furthermore, other improvements, such as the construction of a large plaza at the corner of Benton Street and El Camino Real, and active retail uses facing El Camino Real and Benton Street, provide an engaging pedestrian realm that would encourage the desirability of walking to the project site.

2

3331 North First Street - San Jose, CA 95134-1927 - Administration 408.321.5555 - Customer Service 408.321.2300 - www.vta.org

City of Santa Clara
January 4, 2016
Page 2

The existing corner of Benton Street and El Camino Real on the project frontage has a wide right-turn radius which encourages higher auto speeds and reduces pedestrian comfort and safety. The proposed Site Plan indicates improvements to the design of the corner that would reduce the turning radius and crossing distance, thereby encouraging safer pedestrian crossings, lower auto speeds, and greater visibility. VTA supports this type of safer street design, however, VTA recommends further safety improvements to the existing angled crosswalk at the corner of El Camino Real connecting the north and south side of Benton Street, which appears to be retained in the proposed Site Plan. Angled crosswalks increase crossing distance and are difficult to navigate for pedestrians, especially for the visually impaired; therefore, it is strongly preferred to straighten these crosswalks to the extent practicable.

3

Bicycle Accommodations

The DEIR states that the project will implement the City's bicycle connectivity plan "beginning at Santa Clara Station and extending to the edge of the project site at the intersection of The Alameda and Benton Street" (DEIR, p. 4.3-37). The Site Plan provided in the DEIR and TIA does not illustrate the project's proposed improvements to the City's bicycle facilities. The Valley Transportation Plan (VTP) 2040 contains a pedestrian-bicycle improvement project at Santa Clara Station that would create a pedestrian-bicycle tunnel below the Caltrain tracks, connecting Benton Street and Brokaw Road. VTA requests additional information about the TIA's bicycle facilities improvement (a copy of the City's bicycle plan, or illustration of the proposed improvement), and its relationship to the VTP undercrossing project.

4

Potential Congestion Impacts on Transit Travel Times

VTA supports the TIA's inclusion of an analysis of the potential impacts that increased motor vehicle traffic and congestion associated with the project may have on transit travel times, summarized in Tables 9-3 and 9-4 (TIA, pp. 62-63). VTA recommends that the summary tables indicate the actual change in transit delay, in lieu of "No Change," in order to support the TIA's conclusion that the change to transit travel times is not substantial or significant. VTA suggests reviewing the TIA prepared for the Santa Clara Square project, which specifies the number of average seconds of transit delay per bus route.

5

Transportation Demand Management (TDM) and Trip Reduction

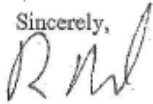
The DEIR notes that TDM is not required per the City of Santa Clara Climate Action Plan (CAP) due to the project's close proximity to Santa Clara Station. As stated above, VTA supports the project's location, which will enable more trips by transit, bicycle, and by foot. The addition of TDM strategies would provide further trip reduction and reinforce the City's goals to minimize drive-alone rates. VTA recommends that the City work with the applicant to implement a parking management plan, reduced parking ratios, and transit fare incentives, such as free or discounted transit passes on a continuing basis.

6

City of Santa Clara
January 4, 2016
Page 3

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,



Roy Molseed
Senior Environmental Planner

cc: Patricia Maurice, Caltrans
Brian Brandert, Caltrans

SC1503

Letter No. LA-1 Letter from Santa Clara Valley Transportation Authority, dated January 4, 2016

Response LA-1-1

Comment noted. The City agrees that this proposed high-density residential project is well located relative to the existing transit service, including rail. The proposed project will also help address the City's longstanding jobs/housing imbalance, and will allow more people to live in Santa Clara and work in the Santa Clara Valley which will result in a regional reduction in per-capita automobile trips and VMT.

Response LA-1-2

Comment noted. The project will be improving the pedestrian experience along all the project frontages and will be adding new outdoor seating areas at the corner of Benton Street and El Camino Real and at the corner of Harrison Street and El Camino Real. The project includes an approximately 15 foot wide pedestrian realm that is made up of six to eight foot wide sidewalks, landscaped planters, and new street trees. Please see Figures 3.0-2, 3.0-7, 3.0-8, 3.0-9 and 3.0-10 in the Project Description section of the Draft EIR for more details.

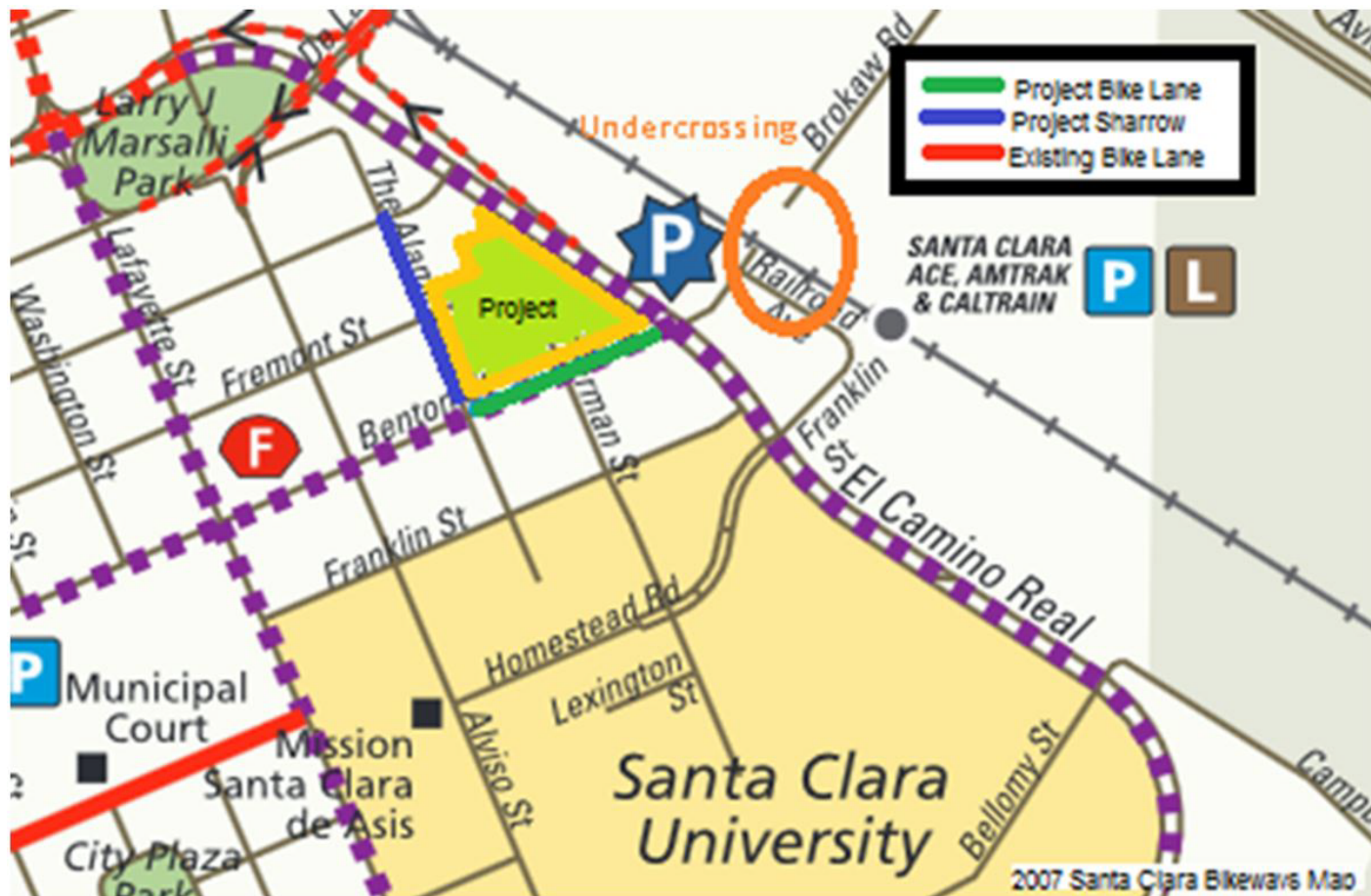
Response LA-1-3

The City agrees with the recommendation that generally shorter crosswalks are safer and more comfortable for pedestrians. The current crosswalk configuration at the corner of El Camino connecting both sides of Benton Street measures 110 feet. With the increased curb on the project's frontage this distance will decrease to 95 feet. If the crosswalk ran perpendicular to Benton Street it would measure 60 feet. However, under the perpendicular design, right-turning vehicles would likely not have proper sight distance to complete a right turn causing them to encroach unsafely on the crosswalk. Other improvements such as the extension of the curb on the south side of the street could be undertaken by the City of Santa Clara's pedestrian program.

Response LA-1-4

The Santa Clara Station Area Plan calls for bike lanes on The Alameda between Franklin Street and Lewis Street and on Benton Street between Lafayette Street and El Camino Real. The Valley Transportation Plan 2040 calls for bikes lanes on Benton Street from Monroe Street to Railroad Avenue. The plan also calls for the undercrossing to connect the west side of the railroad tracks to Brokaw Road on the east side near the transit station.

The project will include Class II bike lanes on the north side of Benton Street (westbound) and Class III sharrows on the east side of The Alameda (northbound). These facilities will connect the neighborhood with the transit station and with Brokaw Road via the undercrossing. **Figure 2.0-1, Mission Town Center Proposed Bicycle Facilities** shows the project's bicycle facilities in relation to the undercrossing.



SOURCE: Fehr & Peers

FIGURE 2.0-1

Mission Town Center Proposed Bicycle Facilities

Response LA-1-5

The project was considered to cause “No Change” in individual route delay if the increase in travel time was less than five seconds or if the travel times improved slightly. This generalization was utilized to improve clarity of results and so as to not show a level of detail that is incompatible with the methodology used. As requested by VTA, **Table 2.0-2, Existing with Project Transit Route Delay**, **Table 2.0-3, Background (2020) with Project Transit Route Delay**, and **Table 2.0-4, Cumulative (2040) with Project Transit Route Delay** include the results of the analysis. As the results show, the proposed project would not cause an increase in average delay on any of the transit routes in excess of 5 seconds.

Table 2.0-2				
Existing with Project Transit Route Delay				
	Route	Direction	Peak Hour	Additional Average Delay with Project
22	Palo Alto to Eastridge Transit Center	Westbound	AM	0.3
			PM	-0.6
		Eastbound	AM	0.1
			PM	-0.2
32	San Antonio Transit Center to Santa Clara Transit Center	Westbound	AM	-0.3
			PM	0.3
		Eastbound	AM	-0.1
			PM	1.0
60	Winchester Transit Center to Great America	Northbound	AM	-0.3
			PM	0.4
		Southbound	AM	0.6
			PM	-1.0
81	Vallco to San Jose State University	Westbound	AM	-0.5
			PM	1.2
		Southbound	AM	-0.5
			PM	1.2
522	Palo Alto to Eastridge Transit Center	Westbound	AM	0.3
			PM	-0.6
		Eastbound	AM	0.1
			PM	-0.2

Source: Fehr & Peer, January 2016

Table 2.0-3
Background (2020) with Project Transit Route Delay

	Route	Direction	Peak Hour	Additional Average Delay with Project
22	Palo Alto to Eastridge Transit Center	Westbound	AM	0.6
			PM	0.2
		Eastbound	AM	0.1
			PM	0.3
32	San Antonio Transit Center to Santa Clara Transit Center	Westbound	AM	-0.3
			PM	0.4
		Eastbound	AM	-0.1
			PM	1.0
60	Winchester Transit Center to Great America	Northbound	AM	0.1
			PM	1.4
		Southbound	AM	0.6
			PM	-0.4
81	Vallco to San Jose State University	Westbound	AM	-0.5
			PM	1.4
		Southbound	AM	-0.5
			PM	1.4
522	Palo Alto to Eastridge Transit Center	Westbound	AM	0.6
			PM	0.2
		Eastbound	AM	0.1
			PM	0.3

Source: Fehr & Peer, January 2016

Table 2.0-4
Cumulative (2040) with Project Transit Route Delay

	Route	Direction	Peak Hour	Additional Average Delay with Project
22	Palo Alto to Eastridge Transit Center	Westbound	AM	3.4
			PM	1.2
		Eastbound	AM	0.4
			PM	-0.3
32	San Antonio Transit Center to Santa Clara Transit Center	Westbound	AM	-0.7
			PM	0.6
		Eastbound	AM	0.1
			PM	0.9
60	Winchester Transit Center to Great America	Northbound	AM	3.3
			PM	2.5
		Southbound	AM	0.8
			PM	-0.9
81	Vallco to San Jose State University	Westbound	AM	-0.6
			PM	1.8
		Southbound	AM	-0.6
			PM	1.8
522	Palo Alto to Eastridge Transit Center	Westbound	AM	3.4
			PM	1.2
		Eastbound	AM	0.4
			PM	-0.3

Source: Fehr & Peer, January 2016

Response LA-1-6

Please see **Response SA-1-5** regarding the TDM program proposed for the project.

Letter No. LA-2

From: Greene, Cary [CGreene@sjc.org]
Sent: Friday, December 11, 2015 1:38 PM
To: Yen Chen
Cc: Kevin Riley
Subject: Mission Town Center DEIR

Hi Yen,

Thank you for sending the Notice of Availability for the subject Draft EIR to the City of San Jose Airport Department. Upon review of the document, we find that all the relevant information regarding San Jose International Airport and associated aviation-related regulations is appropriately addressed in the Hazards and Hazardous Material, Land Use, Noise, and Transportation and Traffic sections. We have no suggested corrections, clarifications, or additions to offer.

1

Thanks,
Cary Greene
Airport Planner, City of San Jose Airport Department
408-392-3623
cgreene@sjc.org

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Letter No. LA-2 Email from San Jose International Airport, dated December 11, 2015

Response LA-2-1

The comment is noted and will be provided to the decision makers for their review and consideration prior to any approval action on the project.

Letter No. LA-3



1889 Lawrence Road
Santa Clara, CA
95051
408-423-2000

Stanley Rose III, Ed.D.
Superintendent

VIA EMAIL

December 21, 2015

Yen Han Chen
Associate Planner
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
ychen@santaclaraca.gov

Re: Mission Town Center; CEQ2015-01188

Dear Mr. Chen,

The Santa Clara Unified School District (SCUSD or District) appreciates the opportunity to respond to the California Environmental Quality Act (CEQA) Environmental Impact Report (EIR) for the proposed development referred to as the Mission Town Center project. The project has impacts to schools and the environment that the EIR does not adequately consider.

The Mission Town Center project consists of one- and two-bedroom market rate apartments. The current student generation rate used in the EIR for market rate apartments is low and the rate is likely to increase after the apartments have been established for some time. At this time, the Mission Town Center project does not identify any affordable housing units for moderate or low income residents therefore; this was not analyzed in the EIR. If affordable units are included in the project, the student generation rate increases dramatically. The SCUSD will need to add classrooms to the schools. Land suitable for new school construction is very difficult to find in central Santa Clara. The potential cost to purchase land and clean up the soil through the Department of Toxic Substances Control and other State oversight agencies will be very expensive and time consuming.

The Mission Town Center project is constructing approximately 385 new residential units in Santa Clara and the new residential units will increase student enrollment in all three schools: Westwood Elementary, Buchser Middle, and Santa Clara High. Because the schools are not within walking distance, the development will increase vehicle traffic taking students to and from the schools. Safe routes for the students to walk and bike to school are imperative and the developer of the Project must work with the City of Santa Clara and the School District to mitigate issues that may affect student ability to arrive at school and return home safely.

The statutory Developer Fee amount per square foot of residential and commercial construction does not adequately cover land purchase and/or design and construction costs incurred by the SCUSD for new or expanded school facilities. The SCUSD is requesting developers fully mitigate their impact on the District by working with us to locate and purchase additional land, construct facilities, and/or find alternate solutions to accommodate the additional students and support services needed by the District.

Board
of Education
...
Jim Canova
Albert Gonzalez
Jodi Muirhead
Andrew Ratermann
Michele Ryan Ph.D.
Noelani Sallings
Christopher Stampolis

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In a letter dated December 10, 2015 (Irvine Letter), the Irvine Company offered to make a voluntary community benefit contribution of \$1.1 million in addition to payment of SCUSD's then current statutory Developer Fees for the project. This voluntary community benefit is payable prior to the issuance of the first residential building permit and is appreciated by the District. The SCUSD has accepted this offer of a voluntary community benefit, in lieu of full mitigation of impacts to school facilities, pending Board of Trustee approval. If approved, the Irvine Letter will be incorporated as a condition of approval for the Mission Town Center project and the parties will execute a voluntary mitigation agreement.

7

Please contact Michal Healy, mhealy@scusd.net with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mark Allgire', with a long horizontal flourish extending to the right.

Mark Allgire, CPA, Assistant Superintendent, Business Services

MA:mh

Letter No. LA-3 Letter from Santa Clara Unified School District, dated December 21, 2015

Response LA-3-1

This introductory comment is noted, and is responded to substantively below.

Response LA-3-2

Regarding the Student Generation Rates (SGR), please note that the historical actual student generation rates contained in the Santa Clara Unified School District's (SCUSD) commissioned study by Tom Williams of Enrollment Projection Consultants dated January 22, 2015, notes that the actual number of students produced by over 3,300 high-density units remains low at a rate of 0.02 students per unit. Based on this SGR and the proposed 385 residential units, the Mission Town Center Project would generate eight students (four elementary, two middle and two high school students).

Additionally, the same study provides for a separate student generation rate of 0.65 for Below Market Rate housing. The project applicant has now voluntarily agreed to provide 10 percent of the residential units within the project as affordable units that would be qualified as Below Market Rate. The affordable units may be provided either on or offsite and any affordable units that are provided offsite would be subject to the City's entitlement process. Based upon the two types of SGR described above, if all the affordable units are provided onsite and the project includes 385 total residential units, the Mission Town Center Project would generate 32 students (16 elementary, seven middle and nine high school students).

Statutory school impact fees are based on square footage of the proposed project, not the SGR. The statutory development fees are \$3.36 per square foot of residential development and \$0.54 per square foot for commercial development. In accordance with SB 50, the project applicant would pay these fees to mitigate impacts to the school district and provide funding for new facilities. The project will generate over \$1 million in school impact fees.² Government Code Section 65995 states the development fees authorized by SB 50 are deemed to be "full and complete school facilities mitigation." This statement applies to development projects with and without affordable units. SB 50 provides that a state or local agency may not deny or refuse to approve the planning, use or development of real property on the basis of a developer's refusal to provide mitigation in amounts in excess of that established by SB 50.

Further, SCUSD will receive additional benefits upon build out, when the project will begin generating operational revenue for SCUSD in the form of Basic Aid taxes estimated at between \$914,559 to \$1,085,644

² Memo from Jeanette C. Justus Associates, School Planning / Public Policy, dated January 22, 2016, included as **Appendix 2.3** to this Final EIR.

annually.³ The funds from the school impact fees and Basic Aid taxes can be used to purchase school sites, construct new schools or re-open closed schools.

For additional information regarding mitigation of impacts to schools, see Section 4.7.4.3, Impact PUB-3 of the Draft EIR.

Response LA-3-3

The comment regarding the high cost of securing land and cleaning-up the soil is noted. However, the SCUSD has established developer fees to pay for new school construction and redevelopment in the City of Santa Clara. The developer fees are \$3.36 per square foot of residential development and \$0.54 per square foot for commercial development.⁴ In accordance with SB 50, the project applicant would pay these fees to help mitigate impacts to the school district and provide funding for new facilities. The project will generate over \$1 million in school impacts fees. Government Code Section 65995 states the development fees authorized by SB 50 are deemed to be "full and complete school facilities mitigation." SB 50 provides that a state or local agency may not deny or refuse to approve the planning, use or development of real property on the basis of a developer's refusal to provide mitigation in amounts in excess of that established by SB 50.

Response LA-3-4

As explained above in **Response LA-3-2**, the proposed project will generate only eight K-12 students (four elementary, two middle, and two high school students). With inclusion of affordable units, the project may generate up to 32 students (16 elementary, seven middle and nine high school students). However, the project will generate over \$1 million in school impacts fees and Basic Aid taxes estimated at between \$914,559 to \$1,085,644 annually. In addition, the project applicant has agreed to provide the SCUSD with an additional voluntary contribution of \$1.1 million. The project's traffic impacts are analyzed in Section 4.8 and Appendix 4.8 of the Draft EIR. The Traffic Impact Analysis is based on a calculated trip generation rate for 385 residential units and 27,000 square feet of retail use. The residential trip generation rate used in the Traffic Impact Analysis accounts for increased trips to schools, and therefore the trips to Westwood Elementary, Buchser Middle, and Santa Clara High were included in the Traffic Impact Analysis. Therefore, all transportation impacts of the project with regard to vehicle trips taking students to and from the schools have been sufficiently analyzed.

³ Memo from Jeanette C. Justus Associates, School Planning / Public Policy, dated January 22, 2016, included as **Appendix 2.3** to this Final EIR.

⁴ Personal communication with M. Healy, Santa Clara Unified School District Business Services, by P. Stephenson, Impact Sciences, Inc. March 31 and April 2, 2015.

Response LA-3-5

The project site access and on-site circulation are designed to City of Santa Clara standards and standard engineering practices, which will maximize safety for students and all those traveling to and from the project site. Moreover, the project will provide additional amenities at the transit stop adjacent to the project site, some of which may include:

- Bus pull-outs;
- Benches;
- Shelter;
- Lighting;
- Landscaping.

These improvements will increase safety of all transit riders. As for bicycle and pedestrian safety, lighting will be provided along all sidewalks that border the site thus providing an enhanced level of pedestrian safety.

These safety features would promote the safety of the students who would walk, bike and/or take public transit to and from school. Finally, please note the Silicon Valley Bike Coalition's support for the project (See **Comment Letter ORG-2**).

For additional information on transit, bicycle and pedestrian facilities and safety, see Section 4.8 of the Draft EIR and Chapter 9 of the Transportation Impact Analysis (TIA) provided in Appendix 4.8 to the Draft EIR.

Response LA-3-6

Please refer to **Response to Comment LA-3-3** above.

Response LA-3-7

Comment noted. In addition to the school impact fee, the applicant has committed to make a voluntary community benefit contribution, which would provide an additional \$1.1 million to SCUSD, and would bring the total in developer fees and voluntary community benefits to the District to \$2,226,216 for the Mission Town Center project.⁵

⁵ Memo from Jeanette C. Justus Associates, School Planning / Public Policy, dated January 22, 2016, included as **Appendix 2.3** to this Final EIR.

Letter No. ORG-1



2001 Gateway Place, Suite 151E
San Jose, California 95110
(408) 951-7084 vslg.org

CARL GUARDINO
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DAVID PACKARD

September 30, 2014

The Honorable Mayor and Council
City of Santa Clara
1500 Warburton Ave
Santa Clara, CA 95050

RE: Mission Town Center

Dear Mayor and City Council,

On behalf of the Silicon Valley Leadership Group, I am writing to endorse the proposed mixed-use project by the Irvine Company, referred to as the Mission Town Center, within the bounds of Benton Street on the south, The Alameda on the west and El Camino Real on the east.

The Silicon Valley Leadership Group, founded in 1978 by David Packard of Hewlett-Packard, represents nearly 400 of Silicon Valley's most respected employers on issues, programs and campaigns that affect the economic health and quality of life in Silicon Valley, including energy, transportation, education, housing, health care, tax policies, economic vitality and the environment. Leadership Group members collectively provide nearly one of every three private sector jobs in Silicon Valley and have more than \$6 trillion in annual revenue.

On an annual basis, the Silicon Valley Leadership Group surveys its member companies at the CEO level to find out which issues are most important to a healthy economy in Silicon Valley. Each year, housing affordability and attainability is selected as the top impediment. The cause of our housing crunch is clear. Demand consistently outpaces supply. For that reason, the Leadership Group seeks out and supports quality housing proposals that can help alleviate our persistent housing crisis by bringing more homes to the market.

The Irvine Company's Project, the Mission Town Center, provides a unique way to use infill development to enrich the surrounding community with new assets and creates a new standard for future growth in the area. We applaud the residential density that will be applied to this site. Its proximity to public transportation makes the proposed bike storage and access facilities particularly attractive to those hoping to reduce their carbon footprint. Additionally, the plaza that incorporates space for community gatherings and musical performances adds character and excitement to the neighborhood and is well thought out in terms of making the site a local destination and a successful mixed-use development.

We look forward to learning about the city's decision and we thank you for your consideration of our input.

Sincerely,

Carl Guardino
President and CEO
Silicon Valley Leadership Group

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Letter No. ORG-1 Letter from Silicon Valley Leadership Group, dated September 30, 2014

Response ORG-1-1

The commenter expresses support for the proposed project. The comment is noted and will be provided to the decision makers for their review and consideration prior to any approval action on the project.

Letter No. ORG-2

SILICON VALLEY
BICYCLE
COALITION



Promoting the bicycle for everyday use.

96 N. Third Street, Suite 375
Post Office Box 1927
San Jose, CA 95109

Tel 408.287.7259
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October 19, 2015

Mayor Jamie Matthews and City Council
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
Via email

Re: Irvine Company Santa Clara Square and Mission Town Center

Dear Mayor Matthews and Members of Santa Clara City Council:

I am writing as the Executive Director of Silicon Valley Bicycle Coalition, a membership-based non-profit with the mission to create a healthy community, environment, and economy through bicycling for people who live, work, or play in San Mateo and Santa Clara Counties. We enthusiastically support the bicycle facilities, infrastructure, and routes for Irvine Company's Santa Clara Square and Mission Town Center.

Regarding Santa Clara Square, we were very impressed to hear that the project will exceed requirements for Class I bike facilities (lockers and bike rooms) and Class II bike racks. The large amount of Class I facilities for residential and Class II facilities for retail areas is particularly useful: providing secure bicycle storage facilities helps to encourage residents and visitors to bike, knowing their bikes will be safe from theft and weather. The development will also have on site bicycle workstations and a bike shop. These amenities provide more options for residents and make it easier to choose a bike for transportation.

We are also happy to see that the development will connect to existing Class II bike lanes on Bowers Dr. and Scott Blvd. and include Class II bike lanes internally on Augustine Dr. While the proximity and dual access to the San Tomas Aquino Trail is also wonderful, we cautioned Irvine Company that the trail is closed adjacent to Levi's Stadium on game days, creating a blockage in the otherwise good surrounding bike network. It would be helpful for the City of Santa Clara to work with Levi's Stadium to address this.

Mission Town Center is also a very good development for bikes, again exceeding city requirements and offering bike workstations. We are very excited at the prospect of a 7' Class II bike lane on Benton, which will create a good connection to the surrounding bicycle network. We urged Irvine Company to look at the possibility, along with Santa Clara

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University and City of Santa Clara, to eventually create a Class IV protected bike lane on both sides of The Alameda instead of the existing Class III bike route. Silicon Valley Bicycle Coalition has an initiative to see high quality bike facilities on the El Camino Real/The Alameda corridor from Daly City to San José. A Class III bike route is not sufficient to provide a safe and comfortable bike connection on that street, with high-speed vehicle traffic. To promote more bicycling and reduce congestion and pollution, this street needs a high quality bike facility.

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We hope you approve these projects, which will enhance the bike network in Santa Clara and make it easy for residents and visitors to choose a bike when traveling to and from these developments. Thank you for the opportunity to comment.

Sincerely,



Shiloh Ballard
President and Executive Director

CC:

Julio Fuentes, City Manager
Kevin Riley, Planning Director

Letter No. ORG-2 Letter from Silicon Valley Bicycle Association, dated October 19, 2015

Response ORG-2-1

Comment noted. On December 15, 2015 the EIR for the Santa Clara Square project was certified and the project was approved by the Santa Clara City Council.

Response ORG-2-2

The comment is noted and will be provided to the decision makers for their review and consideration prior to any approval action on the project.

Response ORG-2-3

The comment is noted and will be provided to the decision makers for their review and consideration prior to any approval action on the project. As this comment is not directed at the environmental analysis or conclusions in the Draft EIR, no further response is required. However, as noted above in **Response LA-1-4**, the project will include Class II bike lanes on the north side of Benton Street (westbound) and Class III sharrows on the east side of The Alameda (northbound). These facilities will connect the neighborhood with the transit station and with Brokaw Road via the undercrossing.



General Federation of Women's Clubs
Santa Clara Woman's Club

P.O. Box 367 • Santa Clara • CA • 95052
 www.santaclarawomansclub.org

Letter No. ORG-3

November 27, 2015



City of Santa Clara
 1500 Warburton Avenue
 Santa Clara, CA 95050

City of Santa Clara Planning Division:

The Santa Clara Woman's Club is committed to preserving the Historic Pena Adobe on the Alameda. We still have concerns regarding the proposed Mission Town Center as it is in the immediate vicinity of our historic building. We realize a new entry and gateway is important, however, in response to the Notice of Availability dated November 17, 2015 we find the following very serious issues:

- Five stories excessive
- Density/scope and the proposal to change the General Plan land designation on this project to Very High Density Residential (51-90 du/acre)
- Design/architectural proposal do not seem in keeping with the culture/history of the area
- Demolition of historic buildings/houses in the neighborhood and the impact of such actions on our own historic building that is one of the oldest in our City and a registered State Historic Landmark
- Direct proximity of this project to our historic Adobe; dust, dirt, noise, and parking issues involved with construction directly across the street from our Adobe, which is used for meeting and receptions on a regular basis
- Future parking issues: the impact this project will have on parking on our street and those nearby

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On behalf of the members of the Santa Clara Woman's Club I appreciate you addressing these concerns.

Sincerely,

Donna Marencia
 President

Historic Landmark Clubhouse, The Adobe, 3260 The Alameda

Letter No. ORG-3 Letter from Santa Clara Woman's Club, dated November 17, 2015

Response ORG-3-1

The comment is noted and will be provided to the decision makers for their review and consideration prior to any approval action on the project. As noted on page 3.0-9 in the Draft EIR, the height of the proposed structure varies between three and five stories, and along The Alameda the building would be 3-stories, which would make it compatible with the residential uses to the west.

Response ORG-3-2

The comment is noted and will be provided to the decision makers for their review and consideration prior to any approval action on the project. As this comment is not directed at the environmental analysis or conclusions in the Draft EIR, no further response is required.

Notwithstanding the above, the following information is provided for the record.

The General Plan is primarily a policy document that sets goals and policies concerning the community and gives direction to growth and development. In particular, the General Plan includes goals and policies for land use, community design, circulation, housing, public facilities, open space, recreation, conservation, noise, seismic and safety, sustainability, and historic preservation. These policies are designed to direct new development and redevelopment so that it meets City standards and is consistent with City goals.

The City of Santa Clara General Plan has identified nine Focus Areas that have the potential to define the City's identity. These areas include major corridors and destinations, new centers of activity around transit stations, and new residential neighborhoods. The project site is located within the Santa Clara Station Focus Area, which is centered on the Santa Clara Transit Center. This area is intended to complement this transit use by replacing low intensity commercial and retail uses with larger scale, mixed use projects. The project proposes to do that. The project includes a General Plan amendment to allow for a mixed use, high density residential development that maximizes residential development within walking distance of the Santa Clara Station. The proposed project will also help address the City's longstanding jobs/housing imbalance.⁶

⁶ See the 2010-2035 Santa Clara General Plan Final Environmental Impact Report, Sec. 4.2.5.5 (p. 125), which states that "the level of job growth [in the City of Santa Clara] will continue to out-pace housing development within the City, continuing the City's long-standing jobs/housing imbalance."

In addition to the General Plan consistency analysis included in Table 4.5-1 of the Draft EIR, the project, including the General Plan Amendment, is consistent with all of the Goals for the Santa Clara Station Focus Area:

Goal 5.4.3 – G1	Development in proximity to the Santa Clara Station that capitalizes on transit and results in high intensity uses.	With 50 percent of the project site being within a quarter-mile of Santa Clara Station, and a proposed future Bay Area Rapid Transit station, the proposed project is intended to maximize residential development within walking distance of the Santa Clara Station. The proposed project will have a density of 67.5 du/ac and will include retail use, requiring the project applicant to apply to the City for a General Plan Amendment (GPA) to change the land use designations on the project site to Santa Clara Station Very High Density Residential (51-90 du/ac), a land use designation already provided for elsewhere in the Santa Clara Station Focus Area. The project site is not currently designated for retail use, however, the project applicant is requesting, in addition to the GPA discussed above, to add a policy to Section 5.4.3 of the General Plan encouraging limited neighborhood commercial within the Santa Clara Station Very High Density Residential land use designation. The project floor area ratio (FAR) would be at least 2.1, and as proposed the project would have a FAR of 2.3. Being that the project is applying to increase density and intensity of uses near the Santa Clara Station, it capitalizes on transit and results in high intensity uses.
Goal 5.4.3 – G2	A mix of uses, with emphasis on office, hotel and residential development.	While the project does not propose office or hotel development, it does propose a high density residential and commercial retail mixed-use development.
Goal 5.4.3 – G3	A link between the Santa Clara Station and a variety of transit options that offer viable transportation alternatives throughout the City and the region.	With 50 percent of the project site being within a quarter-mile of Santa Clara Station, and a proposed future Bay Area Rapid Transit station, the proposed project is intended to maximize residential development within walking distance of the Santa Clara Station. The proposed project will provide sidewalk widening with accent paving on Benton Street and El Camino Real; mid-block pedestrian crosswalks at the corner of Benton and Sherman Streets and at the corner of The Alameda and Fremont Street; and lighting and shade structures along walkways. The project will also provide a Class II bicycle lane along Benton Street and a Class III bicycle route along The Alameda, as well as being equipped with secure bicycle storage rooms and bike lockers for residents and retail tenant employees, and bicycle racks around the site for retail users as well as guests to the residential building and the greater community. The nearest VTA bus stop to the project site is located at mid-block on Benton Street between Sherman Street and El Camino Real. VTA local routes that service the Transit Center include 10, 22, 32, 60, 81, 522 and routes 32, 60 and 81 traverse the southern end of the site on Benton Street. These features and improvements of the proposed project will provide a link between the Santa Clara Station and a variety of transit options that offer viable transportation alternatives throughout the City and the region.

Goal 5.4.3 – G4	Pedestrian and bicycle priority within the Santa Clara Station Focus Area with transit and vehicular priority to access the Station.	With 50 percent of the project site being within a quarter-mile of Santa Clara Station, and a proposed future Bay Area Rapid Transit station, the proposed project is intended to maximize residential development within walking distance of the Santa Clara Station. The proposed project will provide sidewalk widening with accent paving on Benton Street and El Camino Real; mid-block pedestrian crosswalks at the corner of Benton and Sherman Streets and at the corner of The Alameda and Fremont Street; and lighting and shade structures along walkways. These improvements improve walkability and the project provides pedestrian-oriented retail uses to serve new residential development, station visitors, and area employees. The proposed project will also provide a Class II bicycle lane along Benton Street and a Class III bicycle route along The Alameda. The proposed project will be equipped with secure bicycle storage rooms and bike lockers for residents and retail tenant employees, and will provide bicycle racks around the site for retail users as well as guests to the residential building and the greater community.
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In addition to those included in the Draft EIR, the project, including the General Plan Amendment, is consistent with the following General Plan policies:

Policy 5.4.3 – P4	Encourage the development of centrally located public open space of approximately 1.5 acres to serve Santa Clara Station Focus Area residents and employees.	This policy is designed to be implemented by the City. Larry J. Marasalli Park, a 7.0 acre neighborhood park, is located less than a quarter-mile from the project, and City Plaza Park, a 1.6 acre neighborhood park is located less than a half-mile from the project. The project itself includes about 0.15 acres of public open space that will be dedicated to the City as parkland, and additional private open space. The Parks and Recreation Department may apply some credit for the amenities provided on-site that are comparable to City amenities. However, these credits would not be enough to satisfy the City's parkland dedication requirement. Therefore, to address the park needs of the proposed project, avoid over use of existing parks, and avoid a deficiency of parkland acreage in the City, the project applicant will pay park in-lieu fees per City Code (Chapter 17.35) to provide the balance of any necessary amenities to serve the increased population.
Policy 5.4.3 – P8	Facilitate the implementation of development and infrastructure improvements using Figure 5.4-[4] as a guide for projects and streetscapes in the Santa Clara Station Focus Area.	The project applicant is requesting a GPA to change the land use designations for the project site. Specifically, the portion of the project site located along El Camino Real is currently designated Santa Clara Station High Density Residential (39-50 du/ac) while the remainder of the site is currently designated Santa Clara Station Low Density Residential (8-18 du/ac). As the proposed project will have a density of 67.5 du/ac and will include retail use, the project applicant has applied to the City for a GPA to change the land use designations on the project site to Santa Clara Station Very High Density Residential (51-90 du/ac), a land use designation already provided for elsewhere in the Santa Clara Station Focus Area. The project site is not currently designated for retail use, however, the project applicant is requesting, in addition to the GPA discussed above, to add a policy to Section 5.4.3 of the General Plan encouraging limited neighborhood commercial within the Santa Clara Station Very High Density Residential land use designation. With these proposed GPAs, the project would meet the minimum intensities and densities specified in

		<p>the General Plan Figure 5.4-4.</p> <p>The project would promote pedestrian connection on Benton Street by providing sidewalk widening with accent paving, a mid-block pedestrian crosswalk at the corner of Benton and Sherman Streets and lighting and shade structures along walkways. The project would also promote pedestrian orientation/active street frontage by offering ground –floor retail and ground-level windows and entries along Benton Street frontages.</p> <p>Additionally, the project will include construction of all of the infrastructure improvements needed to support the proposed new development, and will also address public services such as police, fire, schools, and parks, and will contribute its fair share of development fees to ensure the City and the future residents are adequately supported.</p>
Policy 5.4.3 – P13	Provide new street, bicycle and pedestrian networks that encourage visibility, accommodate multiple modes of travel and maximize connections, particularly through large sites and to the Downtown and Santa Clara University.	The proposed project will be the first project to adopt and implement the City of Santa Clara’s bicycle connectivity plan beginning at the Santa Clara Station and extending to the edge of the project site at the intersection of The Alameda and Benton Street. Secure bicycle storage rooms and bike lockers will be provided for residents and retail tenant employees, and bicycle racks around the site will be provided for retail users as well as guests to the residential building and the greater community. The proposed project will include direct connections to the adjacent Santa Clara Caltrain Station, and a network of pedestrian and bicycle paths to and from the Station, Santa Clara University, area retail and service uses, parks, and all residential buildings.
Policy 5.4.3 – P15	Prioritize vehicular and transit transportation modes on roadways, such as Coleman Avenue and De La Cruz Boulevard, that provide access to the Station and prioritize pedestrian and bicycle transportation modes on internal streets within the Santa Clara Station Focus Area.	This is a Citywide policy, and not applicable on a project level. However, with 50 percent of the project site being within a quarter-mile of Santa Clara Station, and a proposed future Bay Area Rapid Transit station, the proposed project is intended to maximize residential development within walking distance of the Santa Clara Station. The proposed project will provide sidewalk widening with accent paving on Benton Street and El Camino Real; mid-block pedestrian crosswalks at the corner of Benton and Sherman Streets and at the corner of The Alameda and Fremont Street; and lighting and shade structures along walkways. These improvements improve walkability and the project provides pedestrian-oriented retail uses to serve new residential development, station visitors, and area employees. The proposed project will also provide a Class II bicycle lane along Benton Street and a Class III bicycle route along The Alameda. The proposed project will be equipped with secure bicycle storage rooms and bike lockers for residents and retail tenant employees, and will provide bicycle racks around the site for retail users as well as guests to the residential building and the greater community. A Bike Share program is also being explored for inclusion in the project scope and design. Finally, the project will be the first to adopt and implement the City of Santa Clara’s bicycle connectivity plan beginning at the Santa Clara Station and extending to the edge of the project site at the intersection of The Alameda and Benton Street.

Policy 5.4.3 – P17	Work with appropriate transportation agencies and surrounding cities to maximize rail and bus transit to and from the Station.	This is a Citywide policy, and not applicable on a project level. However, existing transit stops in the project vicinity typically exhibit only the minimum amount of amenities required by VTA standards (i.e. benches). The proposed project will generate demand for transit services and will provide additional amenities at transit stops adjacent to the project site, including bus pullouts, benches, shelter, lighting and landscaping. These amenities would increase the attractiveness of VTA transit within the surrounding community, helping reduce vehicle trips to and through the area.
Policy 5.4.3 – P20	Highly encourage the development of affordable housing and senior housing that is well designed and compatible with adjacent uses in the Santa Clara Station Focus Area.	The project adds higher-density rental units to the City's housing supply, which improves the affordability of market-based housing projects relative to more traditional for-sale products such as condominiums, townhomes and single-family homes. Within this "affordable-by-design" multi-family rental project design, the project also includes a variety of apartment sizes and unit types. Development of the project with or without affordable units is therefore consistent with this policy. Finally, as noted above, the project applicant has now voluntarily agreed to provide 10 percent of the residential units as affordable units either on site or off-site.

In addition to consistency with the local General Plan's goals and policies, the project is consistent with the regional Plan Bay Area, which notes that new projects in the planned development area (PDA) that encompasses the project site must have a density of 50 to 150 dwelling units/net acre and/or a net FAR of 2.5. The proposed project will have a density of 67.5 dwelling units/net acre, is a mid-rise apartment project with ground floor retail, and is thus entirely consistent with the Plan Bay Area.

VTA commends the land use intensification of the project site due to its proximity to existing and planned bus and rail transit (see **Comment Letter LA-1**).

Response ORG-3-3

The comment is noted and will be provided to the decision makers for their review and consideration prior to any approval action on the project. As this comment is not directed at the environmental analysis or conclusions in the Draft EIR, no further response is required.

Notwithstanding the above, the following information is provided for the record.

As noted on pages 3.0-9 and -10 of the Draft EIR, the proposed residential building is divided in four distinct districts with each district having a unique architectural style. Each of the four architectural styles is described in more detail below.

The architecture near the corner of Benton Street and The Alameda will be derived from Mission Revival, an architectural style prevalent in the City of Santa Clara and that offers an architectural link to the University. Incorporated into the design is an arching arcade at the street level with a traditional tile roof and exposed eaves which is a typical element of this style. The fenestration is arranged as a series of

punched opening held together by vertical and horizontal reveal lines emphasizing the static solid appearance of this style. Curvilinear wrought iron railing and low roof arcade are introduced within the human scale and to add detail while minimizing the building mass.

The architecture at the intersection of El Camino Real and Benton Street will be derived from Mediterranean Revival which is another style seen frequently in Santa Clara. Flat roof tiles are proposed with no eaves. The fenestrations are vertically oriented with narrow openings and lower sill heights. Additionally, stucco reveals are vertically accented and tie together the windows accentuating vertical patterning of the main architectural style. In contrast to the Mission Revival, architecture railings are composed of clean vertical pickets and the arcade at the ground level is squared with steel canopies. At the corner, a strong crescent shape is purposefully employed to hold the edge of the proposed public plaza while creating a gateway element to Mission Town Center.

In contrast to the semi-formal Mission and formal Mediterranean Revival styles, the informal Spanish Monterey architectural style will be used along Benton Street and El Camino Real to create variety of scale and modulation. Incorporated in this design are a variety of deck and railing articulations and window patterning, loosely arranged, further promoting the informal nature of this architecture. The roofs are gabled with exposed rafter tails to further delineate the fineness of scale of the design. Additional character elements such as canvas awnings, decorative panel detailing, and cantilevered balconies further promote the human scale at the ground level of the building. Stucco reveals are also horizontally oriented as a complement to the scale of the surrounding buildings.

Finally, serving as a transition to the residential neighborhood to the northwest, a section of three and four-story housing located on the project site at the north end of The Alameda is articulated in a Craftsman style. The combination of the lower building scale and detailed character of the Craftsman style provides a contextual response that reduces the scale of the proposed design as well as reflecting the random pattern of development in the existing neighborhood. Gated stoop unit entries and courtyard entry portals further express human scale at the sidewalk level of the building. The character of the style is communicated in classic gable roofs, infilled with wood slats and supported by tapered columns, and featuring broad eave overhangs. Tall vertically-oriented windows are highlighted with decorative muntin patterning. Graphics showing the various building elevations are included in the Draft EIR.

Response ORG-3-4

As discussed in Draft EIR Section 4.2, Cultural Resources on page 4.2-12,⁷ the project site is located in the westernmost portion of the original Santa Clara grid that was surveyed in 1866. Although parts of the

⁷ Based on the *Historic Architecture Evaluation Report*, by Ward Hill, Consulting Architectural Historian, dated June 2015, and included as Appendix 4.2b to the Draft EIR.

original grid may include areas of eligible historic districts where early periods of historic development remain intact, many streets surrounding the original blocks platted in 1866 have been filled in by modern development and the original Santa Clara grid overall has been extensively altered since the official 1866 survey (Please refer to **Figure 2.0-2**). The section of the grid on the project site has also been altered and filled in by modern development and therefore has been determined as not a historical resource eligible for the California Register or the City of Santa Clara Criteria of Local Significance (please also refer to **Response IND-12-12**). In addition, the historic integrity of the two houses on the project site closest to the Woman's Club - 625 and 645 Benton Street - has been compromised due to later alterations and the homes are not considered historic resources eligible for the California Register or the City of Santa Clara Criteria of Local Significance. Therefore, the changes to the setting of the Woman's Club building as a result of the proposed project do not constitute a substantial adverse change to the significance of the historic resource. Note that the two buildings on the project site that were identified as being eligible for the California Register (3370 The Alameda) and potentially eligible for the Santa Clara Criteria of Local Significance (3410 The Alameda) are not visible from the Woman's Club building and if feasible will be relocated to a location within the Old Quad neighborhood pursuant to Mitigation Measure CUL-1.

Response ORG-3-5

An analysis of the fugitive dust emissions during project construction is provided in Draft EIR Section 4.1, Air Quality, while an analysis of the noise and vibration impacts during construction is provided in Draft EIR Section 4.6, Noise.

As discussed in Draft EIR Section 4.1, the *CEQA Air Quality Guidelines* prepared by the Bay Area Air Quality Management District (BAAQMD) consider the impact from a project's construction-phase dust emissions to be less than significant if best management practices (BMPs) listed in the guidelines are implemented. The proposed project would implement Mitigation Measure AIR-1, which requires that dust control and other BMPs put forth by the BAAQMD are implemented by the proposed project during construction.

As discussed in Draft EIR Section 4.6, the adobe would likely experience construction noise that is louder than the ambient traffic noise. However, this noise would be temporary and the proposed project would implement Mitigation Measure NOISE-6, which would require the project to implement a number of noise reduction measures. In addition, as discussed in Section 4.6, construction vibration levels at the adobe would be temporary and would be well below 0.1 in/sec PPV which is the conservative threshold above which architectural damage could occur to historic structures and would be substantially below the level (0.24 in/sec PPV) where vibration levels emanating from transient sources such as construction equipment are distinctly perceptible to the Santa Clara Woman's Club.

With regard to construction parking, as is their standard practice, the project applicant will work with the City to reduce the potential for construction workers to park on the neighboring streets. Furthermore, the City will continue to enforce its parking regulations which do not allow vehicles to park illegally, double-park, or otherwise interfere with the flow of traffic on city streets.

Response ORG-3-6

As discussed in Draft EIR Section 4.8, Traffic, the Santa Clara City Code requires a total of 827 parking spaces for the project, including 662 parking spaces for the 385 residential units and 165 spaces for the retail development. The proposed parking structure provides a total of 839 parking spaces, including 674 parking spaces for the residential component of the project and 165 parking spaces for the retail component of the project. Therefore, the proposed project exceeds the Santa Clara City Code total parking requirements and this impact is less than significant. The project is not expected to result in project residents parking on nearby residential streets. For additional information on parking, see Chapter 11 of the TIA.

Letter No. ORG-4

From: Michael Hindery [mailto:mhindery@scu.edu]
Sent: Thursday, December 03, 2015 1:33 PM
To: Mayor and Council; PlanningCommission
Cc: Kevin Riley; Yen Chen
Subject: Mission Town Center project

Dear Members of the City Council and the Planning Commission:

I am writing to express my strong support for the Irvine Company's Mission Town Center project. I believe that the project, which is across the street from Santa Clara University property, will be a good fit with and enhance and complement the neighborhood and City. The project benefits the City and community and provides a better and higher use than the current use. As the region continues to face a housing shortage, it's important to continue building high quality housing in Santa Clara. The project's density, while greater than currently on the property, is a good fit with the location; it makes sense to build higher density projects across the street from the train station and along El Camino Real. The project density, its retail component, and its location adjacent to the train station and University are positives and will provide needed and appropriate revitalization to the neighborhood.

The Irvine Company's Mission Town Center project complements the City's land use plans and the University's plans. I strongly support the project and am eager to see it move forward.

Sincerely,

Michael A. Hindery

Michael A. Hindery

Vice President for Finance & Administration

Santa Clara University
Walsh Administration Building
500 El Camino Real
Santa Clara, CA 95053

mhindery@scu.edu
408-554-4300

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Letter No. ORG-4 Email from Santa Clara University, dated December 3, 2015

Response ORG-4-1

The commenter expresses support for the proposed project. The comment is noted and will be provided to the decision makers for their review and consideration prior to any approval action on the project.

Letter No. IND-1

From: Joy Shurts [mailto:jshurts2@gmail.com]
Sent: Wednesday, November 18, 2015 10:02 AM
To: Yen Chen
Subject: NOA for Public Review of an EIR and Notice of GP Amendment - Mission Town Center

Hello Mr. Chen,

I have been reading through the EIR for the Mission Town Center. They seem to be saying that there will be no impact to traffic on Alviso Street between Benton and the Lewis ramp? As if no more cars would use Alviso St to head towards 101 north on De LaCruz.

Yet they DO say that traffic at Lewis and Lafayette will be heavily impacted. Lewis is a one way road coming off off DeLa Cruz - how are they accounting for people going the other way to get ON 101 north?

What is your opinion on this and what is the process to question the results on this report?

Thank you,
Joy Shurts

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Letter No. IND-1 Email from Joy Shurts, dated November 18, 2015

Response IND-1-1

The traffic analysis assumed 15 percent of the project's traffic would utilize De La Cruz Boulevard based on existing and future predicted travel patterns. The fundamental difference in the project's routing for the northbound and southbound trips to and from De la Cruz Boulevard is that two options are available for northbound trips – via Alviso Street or via El Camino Real, whereas only one is available for southbound trips – via Lewis Street.

Trips generated by the project can access northbound De La Cruz Boulevard via Alviso Street or El Camino Real. The traffic analysis estimated that roughly 10 percent of the project's traffic would use Alviso Street to access De la Cruz and US 101. The intersection of Lewis and Lafayette exceeds the established significance criteria in both the project and no project conditions due to over-capacity conditions. The main driver of the project's impact to the intersection is the already constrained (in the no project conditions) southbound movement and not the westbound movement from De La Cruz. Alviso Street is not projected to be over-capacity in the future no project conditions and is projected to only gain roughly 10 percent of the project's exiting traffic, and therefore no significant impacts are expected at Alviso Street and Harrison Street intersection.

Letter No. IND-2

December 2, 2015

To: City of Santa Clara Historical and Landmarks Commission
From: Lorie Garcia, City Historian, City of Santa Clara

RE: HLC 12/03/2014 Agenda Item # 8A
Mission Town Center Project PLN 2015-10980, PLN2015-10982, PLN2015-10983, CEQ2015-01188

Dear Commissioners,

It is with deep concern that I am sending you the following short comments on this project. First, I find it appalling that an issue this large has had so little time allowed, in order to thoroughly review the mass of material related to it. Due to the Holiday last week, I personally did not receive the information until this Monday, November 30th, when I returned from spending Thanksgiving out of town with family. Thus, at this point, I cannot give you any in-depth comments. However, without being to give more than a cursory look at this item, I am extremely bothered by both the fact you are being asked by staff to forward "a recommendation to certify the Environmental Impact Report" (E.I.R.), along with recommending "approval of the project subject to the following conditions" of which there is only one condition shown, the relocation of two houses. No mention is made of the inclusion of the Mitigation Treatment Plan, or any of the mitigation measures identified in it.

At this point, you have only the draft of the E.I.R., you do not have the final document, which will include all the comments received on the document. I find it incomprehensible just how you are expected to recommend certification of a document you do not have. Note that the E.I.R. became available for review on November 17, 2015 and the comment period does not close until January 4, 2016. As this project impacts both historic and archaeological resources, among those agencies to whom the E.I.R. is sent for comments must be the State Office of Historic Preservation. OHP's review and comments will be extremely important for the Commission to take into consideration as part of the HLC review.

While, according to the staff report, Mr. Hill found that "the small section of the Historic Quad grid that includes the project area is not an Historic resource under California Register criteria," nowhere in the staff report did I see reference to the fact that the site of the proposed Mission Town Center project is located on land that was part of the site of the Murguía Mission (the Third Mission) and no acknowledgement that the Murguía Mission Site has been declared eligible for inclusion in the *National Register of Historic Places*. This automatically makes it eligible for the California Register of Historical Resources, which includes archaeological resources, as properties eligible for the *California Register of Historical Resources* include resources on or eligible for listing in the *National Register of Historic Places*.

As this project involves land once part of a California mission site and, as this project includes changing the General Plan, this project is subject to Senate Bill 18 and I see no mention of the City concurring with this requirement. Senate Bill 18, signed into law by Governor Arnold Schwarzenegger in September 2004, requires cities and counties to notify and consult with California Native American tribes about proposed local land use planning decisions for the purpose of protecting Traditional Tribal Cultural Places (Government Code Sections 65040.2, 65092, 65351, 65352, 6552.3, 65352.4, 65560, 65562.5, Civil Code Section 815.3. As shown below,

- Cities and counties are required to send general plan proposals to those California Native American Tribes that are on the Native American Heritage Commission's contact list and have traditional lands located within the city or county's jurisdiction.

- Cities and counties are also required to conduct consultations with these tribes prior to adopting or amending their general plans.

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Also, while staff has stated that "the project area has been altered by the widening of El Camino Real in 1982 and later development," I would like to point out that only a small part of the street grid was affected by the El Camino re-route. This proposed project removes the portions of Fremont and Sherman Streets in the project area, that were bypassed by the 1982 Caltrans project. The portion of the El Camino realignment in this area was located in what had not been part of the original street grid. In fact among the several options that Caltrans looked at, they chose the route that would have the least affect on any historic or archaeological resources. Additionally, other important issues include addressing the effects this project will have on the neighboring historic blocks

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I understand that there is considerable pressure to move the Mission Town Center project forward as quickly as possible, however, I strongly feel that it is the responsibility of the City and of the Historic Landmarks Commission to exercise due diligence in review of the project and in their decision making. This involves not only adherence to existing laws, but also having the Final E.I.R. and the time necessary to fully understand the issues and impacts involved. I urge the Commission to take no action at their December 3rd meeting but to continue this item until all information is available for a fully informed decision.

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Sincerely,
Lorie Garcia, HLC advisor

Letter No. IND-2 Letter from Lorie Garcia, dated December 2, 2015

All of comments in this letter are addressed to the members of the City of Santa Clara Historical & Landmarks Commission (HLC) and are comments on a staff report. These are not comments on the Draft EIR. Nonetheless, the City has included the letter in the project's administrative record and has provided responses to comments that are pertinent to the EIR analysis.

Response IND-2-1

The commenter does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record. With respect to the proposed relocation of two houses currently on the project site and impacts to and mitigation for archaeological resources, please refer to Draft EIR Section 4.2, Cultural Resources and Appendix 4.2a, Cultural Resources Treatment Plan.

Response IND-2-2

The Historical and Landmarks Committee (HLC) did not have the Final EIR for this project at its December 3, 2015 meeting. The Draft EIR was circulated for a 45-day period, from November 17 through January 4, 2016 consistent with CEQA Guidelines Section.15105(a). Per City Code § 2.120.100, the HLC has the power to act in an advisory capacity to the City Council in all matters pertaining to historical landmarks, including the marking and preservation of historical landmarks and places. As such, the City requested the HLC's advice on the project's potential impact to historic resources as analyzed in Section 4.2 and Appendices 4.2a and 4.2b of the Draft EIR. Please note that the current document is the Final EIR for this project and was provided to the HLC for their review and consideration of potential impacts to historic resources prior to its submittal to the City Council for certification. The Draft EIR was submitted to the State Office of Historic Preservation (OHP) and that agency has provided comments on the circulated Draft EIR. Please refer to **Comment Letter SA-2** and **Responses SA-2-1** through **SA-2-6**. The Final EIR has been provided to OHP.

Response IND-2-3

The City agrees with the commenter that the project lies within the third Mission Santa Clara site. The Cultural Resources Treatment Plan (Appendix 4.2a of the Draft EIR) acknowledges the high likelihood that the project site contains buried cultural resources associated with the third Mission. As explained on page 4 in Appendix 4.2a of the Draft EIR, Mission Santa Clara de Asís, which includes the third Mission, qualifies as a historical resource, eligible for listing on the California Register of Historical Resources under CEQA in two ways. The Mission is historically significant since it meets at least two of the eligibility criteria as set forth in the CEQA Guidelines §15064.5: Criterion (A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural

heritage; and Criterion (D) Has yielded or may be likely to yield information important in prehistory or history. Further, Mission Santa Clara is granted status as a historical resource under CEQA by virtue of its listing on the California Register of Historical Places (PRC §21084.1; CEQA Guidelines §15064.5).

The Third Mission site (Murguía Mission Site) has also been determined eligible for inclusion on the National Register for Historic Places. This determination is based on archaeological excavations for the El Camino re-route project (Hylkema 1995) as memorialized in the *Indenture Quitclaim Deed and Agreement for Maintenance of Mission Murguía Site (Covenant Running with the Land)* (City of Santa Clara 1989). For this reason, archaeological resources dating to the Mission era found within the project area are part of the National Register eligible Murguía Mission Site. Draft EIR text on page 4.2-5 and Appendix 4.2a text on page 5 has been revised to acknowledge this.

The inclusion of this information in the EIR does not change the impact conclusions regarding impacts to the third Mission site or the mitigation measures set forth in the EIR. This is because the significance of the resources is evaluated using the same four criteria for eligibility to the National and State Registers. The impact evaluation and mitigation recommendations have been developed to meet CEQA Guidelines §15064.5.

Please also refer to **Response IND-3-6**.

Response IND-2-4

As acknowledged in the Draft EIR in Section 4.2.2.5, Native American Consultation, the project is subject to laws requiring consultation with the Native American community. The project will require rezoning for higher density residential occupancy, which will in turn require an amendment of the City's General Plan, thus triggering the Native American consultation process identified in Senate Bill 18. The City sent a notice to request consultation pursuant to SB 18 to all the tribes on a list previously provided by the Native American Heritage Commission (NAHC). One tribal representative has contacted the City to date and requested that a tribal monitor be present when archaeologists are present and that Ohlone descendants be informed of any tribal resources discovered at the site.

Response IND-2-5

Please refer to **Responses IND-12-12, IND-12-13, and IND-12-14** with respect to changes to the street grid in the City and on the project site.

Response IND-2-6

The Final EIR for the project was provided to the HLC so that the Commission has all the information it needs to make an informed decision as to potential impacts to historic resources as a result of the project.

Letter No. IND-3

Mission Town Center Project
 PLN 2015-10980, PLN2015-10982, PLN2015-10983, CEQ2015-01188
 Review of an Environmental Impact Report

Item 8a 12/03/15

The HLC is being asked to "review and certify" this DRAFT EIR. Further the Staff report recommends "approval subject to conditions". This is wrong, and illegal, on so many levels as you the Commissioners need to exercise 'due diligence' in all of your reviews – that's the law. Let me explain.

Issue 1: This is only a "DRAFT" document, not the FINAL

CEQA says that the draft should be circulated to all interested parties, agencies and stakeholders for comments. These comments are then gathered during an official comment period. Then the authors of the EIR are to respond to these comments and list all the comments and responses in the Final EIR. Your job should be to 'comment on the draft' not certify or approve it.

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Issue 2: HLC is being asked to recommend certification and approval of this DRAFT

You should do no such thing! This is the wrong action to request of HLC. By doing so you will deny yourselves, as a reviewing body that has purview over the effects of this project on the City's historic resource, the chance to get your comments addressed in the Final EIR, and you will not be able to see what other agencies. And the other agencies will not see your comments. And finally it is not proper, nor legal, for you to be recommending certification and approval of a DRAFT. Taking this action would violate CEQA as you've not adequately reviewed potential historic or archaeological resources.

2

Issue 3: Insufficient time for review.

According to CEQA, interested parties (that's you folks) are to be allowed a reasonable time to review and comment on the DRAFT EIR. I received my package for this project late on Wednesday, Nov. 25, the day before the holiday. There was no time to even open it before the holiday weekend. So, once again, I had only Monday, Tuesday and Wednesday to review a massive project (the total number of pages sent for tonight's meeting is close to 1,000.) I have complained to you and to Staff about this before. This is insufficient time for your volunteer advisors to do a sufficient, quality, professional review of the project to give the HLC needed advice. Three or four days for the Commissioners to also review the project does not even come close to satisfying the CEQA required review and comment period of 45 to 60 days. Further, by not giving your advisors enough time to review and advise you, the City's process is not in compliance with state's Certified Local Government (CLG) rules - which can eventually result in CLG defunding this Commission. It goes without saying that this also violates CEQA.

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Three to four days is now the norm for review time given to your advisors each month on every project. This needs to change, not only for this DRAFT EIR, but for all other projects that come before you!

Issue 4: No consultation with the OHP

There is no evidence in the EIR that as yet the state Office of Historic Preservation (OHP) has been consulted. Indeed, they say they've not been made aware of this project yet. They need to be given the same opportunity for review, and the HLC needs to stay in touch with them to be aware of what they say BEFORE you certify or recommend approval of anything about this project! If the City does not give the DRAFT to the OHP for review, then they are violating CEQA.

4

Issue 5: Mitigation Treatment Plan

The Mitigation Treatment Plan is discussed in the EIR, but strangely no mitigation measures are included in staff's recommended Conditions of Approval that you are being asked to approve. These measures include the relocation of only two houses. This Treatment Plan, which is not yet finished of course, is flawed in a fundamental way, as this conclusion, that only two houses were worth saving, is based upon insufficient research of the growth patterns of the City, and its social history.

The consultant that prepared the report did not cite any standard reference works of Santa Clara's history – not a single one! (*see consultant's References pages.*) These books and other documents about the history of Santa Clara include, for example, a discussion of the German Colony in these blocks - yet this was ignored in the conclusions drawn in the consultant's report. Also, no mention is made of the impact of the project on the Women's Club Adobe. There are other impacts that should have been discussed when it comes to mitigation measures to be taken. Surely this is just an oversight, that will be corrected, but right, since the Plan does not address these impacts on local historic resources, it is not in compliance with CEQA.

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Issue 6: Archaeology

As your Historical Advisor and no doubt your Archaeological Advisor will point out, there seems to be no mention that this site sits atop the third mission site. Nor is there any mention that this site is eligible for the *National Register of Historic Places* and the *California Register of Historical Resources* – this conclusion was reached in other reports that the EIR's authors should have read. These facts cannot be ignored. Since known archaeological remains are in the area, consultation with the Native American Heritage Council (NAHC) is mandatory, yet we can find no mention of the intent to do this. Did you know that a nine foot diameter sewer is planned to be placed underground for this project in the middle of the street?! Imagine the impact to the archaeological resources of all the digging in this area! To bring the documents into compliance with CEQA archaeological resources should be addressed in a Mitigation Plan and it is imperative that the NAHC be contacted immediately and be given the full 60 days to comment from the time they receive the DRAFT.

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Issue 7: General Plan changes and SB 18

As your Historical Advisor also points out, because this project includes changing the Zoning, and it is subject to Senate Bill 18 a law since 2004. It REQUIRES the City to consult with the California Native American tribes about the land use planning. The purpose of this law is to protect Traditional Tribal Cultural Places. So this is a little bit different than just the archaeological issue (#6 above), as it involves land use issues as well as disturbance of archaeological remains. Yet no mention is made of intent to consult with Native Americans, so the DRAFT does not comply with CEQA law on this issue either.

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Issue 8: Impacts of El Camino changes of 1982

While Staff points out that "the project area has been altered by the widening of El Camino Real in 1982 and later development," the fact is that only a small portion of the street grid (the evidence of the historical land development of the City) was destroyed. Caltrans chose a route that would have the least effect on historic or archaeological resources in this area. Yet as your Historical Advisor also points out, it is precisely these resources, at least in the Fremont and Sherman Street areas, that the proposed project will destroy. Mitigation measures for this issue - which you need time to review - need to be addressed in the EIR or it certainly will not be in compliance with CEQA.

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Recommend Continuance or Denial: I suggest that the HLC should take no action on certification, but rather recommend continuance of this project *(or denial for not addressing the 8 issues above)* until a full EIR comes in so that Commissioners can read the comments of other agencies, stakeholders and citizens, including OHP, NAHC, Caltrans, and the like.

In the meantime, the HLC should be given the opportunity to also officially comment on this DRAFT EIR (for a minimum of 60 days) so that the HLC's comments can also be entered into the record on the Final EIR. I recommend that this be your motion instead.

Currently the comments from stakeholders are due January 4, 2016. This should be changed, and you should have the assurance that a copy has been sent to OHP, then *the clock should be reset to begin for 60 days from that point in time to give the HLC, the SHPO, Caltrans, the NAHC, and other bodies sufficient time to respond, and give the consultants sufficient time to address the concerns raised in the Final EIR.* I suggest this be in your motion also.

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Lastly, let me say that my comments above are NOT to be construed as official comments for the official review period for this EIR! Like you, I have not been given the legal amount of time to perform this review. Besides, I'm just getting started! With more time, I'm sure Ms Garcia, Ms Hylkama, and I will find other issues to bring to your attention during the legal, official "*comment period*." Let's work with the City to bring this PROCESS into compliance with the governing laws and rules instead of railroading this proposal through and potentially destroying an untold amount of historical and archaeological resources, losing CLG funding for the City and potentially opening the City to lawsuits by those who believe due process was not followed! It is your job to watch over these resources and you can't do this under the current action you are being asked to take.

Volunteer Architectural Advisor to the HLC
Craig Mineweaser, AIA | Principal Preservation Architect
Mineweaser & Associates
 architecture | preservation | building conservation services
www.mineweaser.com | T 209.928.5900 | M 408.206.2990
 Offices in San Jose and Sonoma

File: //HLC/Mtg_12-2015/MissionTwnCtr_2015-12-03.docx

Letter No. IND-3 Letter from Craig Mineweaser, dated December 3, 2015

All of comments in this letter are addressed to the members of the City of Santa Clara Historical & Landmarks Commission (HLC) and are comments on a staff report. These are not comments on the Draft EIR. Nonetheless, the City has included the letter in the project's administrative record and has provided responses to comments that are pertinent to the EIR analysis.

Response IND-3-1

The commenter misunderstood the purpose of the HLC meeting held on December 3 and advised the HLC to comment on the Draft EIR and not to approve or certify it. The City notes that it is not the role of the HLC to approve or certify an EIR. Only the City Council is authorized to certify an EIR. The HLC is an advisory body whose role is to provide recommendations to the City Council on matters related to historic resources and landmarks in the City of Santa Clara (Santa Clara City Code § 2.120.100). The Final EIR for the proposed project was provided to the HLC for their review and recommendations to the City Council.

Response IND-3-2

See **Response IND-3-1** above.

Response IND-3-3

Comment noted. The Draft EIR was circulated for a 45-day period, from November 17 to January 4, 2016 consistent with CEQA. The Final EIR was provided to the HLC before the February meeting of the Commission.

Response IND-3-4

A weblink to the Draft Environmental Impact Report (Draft EIR) was emailed to the state Office of Historic Preservation (OHP). OHP provided comments on the Draft EIR in a letter sent via email on January 4, 2016 (See **Comment Letter SA-2**). The responses to the OHP letter are provided in **Responses SA-2-1** through **SA-2-6**.

Response IND-3-5

The commenter is incorrect in his assertion that the Draft EIR did not include information regarding a discussion of the German Colony in the vicinity of the project site. The Cultural Resources Treatment Plan prepared by Albion Environmental, Inc., provides extensive historical background on the German community that existed in the project vicinity during the 19th century (see Appendix 4.2a, pages 80-99). They indicate the German community declined by the end of World War I – i.e., 1920s-1930s (Appendix 4.2a, page 109). During the 19th century, a number of German families lived in houses in the project

vicinity. None of these houses survive today. They have been replaced by later houses or industrial buildings.

The commenter is incorrect in his assertion that the Draft EIR did not include the impact of the proposed project on the Woman's Club adobe, which is located approximately 154 feet south of the project site, and is registered as California Historical Landmark No. 249. An analysis of project's noise and vibration impacts on the adobe during project construction is provided in Draft EIR Section 4.6, Noise, and the analysis includes mitigation to reduce noise and vibration impacts to a less than significant level. Please also refer to **Response ORG-3-4** which explains why the proposed project would not result in any significant impacts on the adobe.

The Draft EIR evaluates all impacts to cultural resources, including impacts on historic architectural resources, archaeological resources, and human remains. The Draft EIR Mitigation Measures CUL-1a through 1d address the project impacts to historic architectural resources. Draft EIR Mitigation Measures CUL-2a and the Cultural Resources Treatment Plan included in Appendix 4.3 of the Draft EIR are focused on mitigation for impacts to subsurface archaeological resources. Mitigation Measure CUL-2b provides mitigation for potential impacts to human remains, should any be encountered during construction.

Response IND-3-6

The Cultural Resources Treatment Plan prepared by Albion Environmental, Inc., which is included in Appendix 4.2 of the Draft EIR, states that the Mission Santa Clara, which includes the third Mission Santa Clara site, is eligible for listing on the California Register of Historical Resources under CEQA in two ways. First, the Mission is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage; and second, it has yielded or may be likely to yield, information important in prehistory or history. In addition, as noted in **Response IND-2-3**, the third Mission site has been determined eligible for listing on the National Register of Historical Resources.

As discussed on page 4.2-13 in Draft EIR Section 4.2, Cultural Resources, the City sent a notice to request consultation with selected Native American tribes on a list previously provided by the NAHC as required by SB 18. In response one tribal representative requested that a tribal monitor be present when archaeologists are present and that Ohlone descendants be informed of any tribal resources discovered on the site.

As discussed on page 4.2-13 in Draft EIR Section 4.2, mitigation measures have been set forth to avoid and minimize impacts to any significant pre-historic, Spanish Colonial era, and American Period archaeological resources, including human remains, that are encountered during project construction. These measures not only apply to resources that may be encountered on the project site but also to

resources that may be encountered off-site during the installation of utility infrastructure necessary to serve the proposed project. Please note that as discussed on page 4.9-27 in Draft EIR Section 4.9, Utilities and Service Systems, including Energy, the proposed project would not require the upsizing of sanitary sewer pipelines or the expansion of any other wastewater lines that are not already planned by the City. The installation of a nine foot diameter sewer to serve the proposed project is not required.

The State Clearinghouse sent a copy of the Draft EIR to the NAHC for review and comment at the beginning of the 45-day public review period for the document that began on November 17, 2015. According to Section 15105(a) of the *State CEQA Guidelines*, the public review period for a Draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances. In addition, Section 15105(a) states that when a Draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 45 days, unless a shorter period, not less than 30 days, is approved by the State Clearinghouse. As the Draft EIR for the proposed project was submitted to the State Clearinghouse, the public review period for the document was set at 45 days, which complies with CEQA. Please note that there is no CEQA requirement for the Draft EIR to undergo a 60-day review period.

Response IND-3-7

As noted above in **Response IND-3-6**, the City sent a notice to request consultation with selected Native American tribes on a list previously provided by the NAHC as required by SB 18.

Response IND-3-8

Please refer to **Responses IND-12-12, IND-12-13, and IND-12-14** with respect to changes to the street grid in the City and on the project site.

Response IND-3-9

Please refer to **Response IND-3-6** regarding the public review period for a Draft EIR, as well as opportunities provided to OHP and NAHC (along with other state agencies) to comment on the Draft EIR for this project.

Letter No. IND-4

December 6, 2015

City of Santa Clara Planning Division

Yen han Chen, Associate Planner

500 Warburton Ave.

Santa Clara, Ca. 95050

Dear Mr. Chen,

This letter is in response to the General Plan Amendment that is being proposed due to the Mission Town Center Project. I attended a few of the meetings with the developer to learn more about this project. Although the developer made some positive adjustments, the “very high density” nature of this structure continues to be of concern.

The developer did agree to allow a few of the Victorian/historic homes be able to remain at their current location, particularly the two Queen Anne homes on Harrison. Also, the developer was receptive to input from residents to design a structure that had architectural features which blended with the neighborhood. The addition of two plazas incorporated into the plans (on the corners of El Camino/Benton and El Camino/Alameda) was also well received. These are all positive and welcomed adjustments.

However, the height/size of this building and the closing of Fremont and Sherman streets are of great concern. This building, as proposed, is just too big for this neighborhood. The overbearing presence of the structure will be an eyesore and not a “gateway to the Old Quad”. The structure should be no higher than three stories and with fewer units. The city of Santa Clara should be able to keep its streets and have its geographical markers remain intact.

The Old Quad neighborhood, to my knowledge, is absolutely low to medium density in the General Plan. This neighborhood does not need to resemble other areas of Santa Clara such as Rivermark, the corner of Lawrence/Monroe, or the housing development on Kiely/ Kaiser. Please respect the integrity of this neighborhood.

It is my hope that the City will take into consideration the concerns of Old Quad residents and not amend the General Plan allowing for the construction of “very high density” housing structures.

Sincerely,

Don & Janet Stevenson

Residents of Old Quad

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Letter No. IND-4 Letter from Don & Janet Stevenson, dated December 6, 2015

Response IND-4-1

The comment, which expresses concern regarding the density of proposed project, is noted and will be provided to the decision makers for their review and consideration prior to any approval action on the project. Please refer to **Response ORG-3-2** as to why the proposed density for the project site is not inconsistent with the General Plan and other regional plans.

Response IND-4-2

Please refer to **Responses ORG-3-1 and ORG-3-4**.

Response IND-4-3

Please refer to **Responses ORG-3-2 and ORG-3-4**.

Response IND-4-4

The comment regarding the density of proposed project is noted and will be provided to the decision makers for their review and consideration prior to any approval action on the project. As this comment is not directed at the environmental analysis or conclusions in the Draft EIR, no further response is required. However, for informational purposes, the following information is provided for the record. The boundaries of the Old Quad neighborhood are not defined in the City's General Plan or Zoning Ordinance. There are General Plan designations, which apply in the general area known as the Old Quad, that allow for both retail uses (Community Mixed Use and Neighborhood Mixed Use) as well as high density residential (Downtown Core). Specifically, the General Plan notes that the Downtown Focus Area is "[l]ocated in the historic Old Quad neighborhood and near both Santa Clara University and the Santa Clara Transit Station" and that "a revitalized Downtown will provide a focal point for the City." The Downtown Focus Area includes a Downtown Core designation that provides for approximately 400 units on 7 acres, or approximately 57 du/acre. The Santa Clara Station Focus Area is not described in the General Plan as being within the Old Quad neighborhood, but instead the General Plan includes policies to provide for transition between new development and adjacent uses (see **Responses ORG -3-2, ORG-3-3**, and Table 4.5-1 of the Draft EIR for consistency with the General Plan's Goals and Policies).

Letter No. IND-5

From: Brandon Reinhardt [brandon.reinhardt@gmail.com]
Sent: Wednesday, December 09, 2015 1:45 PM
To: Yen Chen; Mayor and Council
Subject: Mission Town Center

Hello,

I simply wanted to voice my support of the Mission Town Center project. As a newly married couple and residents of Santa Clara, my wife and I find ourselves leaving the area to enjoy nights out together with friends. We spend a lot of time in downtown Los Gatos, Campbell and Santana Row. While Los Gatos and Campbell were fortunate to have grown up naturally over time, Santana Row is a very local example of how successful and redefining a large scale mixed use project can be. I would hope that the City of Santa Clara would pursue the opportunity to create such a vibrant environment here.

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I appreciate you taking the time to consider my opinion as a resident of this fine city.

All the best,

Brandon Reinhardt

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Letter No. IND-5 Email from Brandon Reinhardt, dated December 9, 2015

Response IND-5-1

The commenter expresses support for the proposed project. The comment is noted and will be provided to the decision makers for their review and consideration prior to any approval action on the project.

Letter No. IND-6

From: Cynthia Owens [cynthia@clubautosport.net]
Sent: Wednesday, December 09, 2015 1:25 PM
To: Yen Chen
Subject: Support for the Mission Town Center project

As a nearly life-long resident of Santa Clara I am in complete support of the long overdue Mission Town Center project.

There are so many benefits for our city that are wrapped up in the new Mission Town Center; from walkability, to new shopping & dining options and improving the El Camino corridor. All this will help keep residents' patronage here in our city (a benefit to all of us!) and improve our quality of life here.

Thank you for all your hard work on behalf of our great city! We appreciate you more than you know.

Cynthia Owens
311 Madrone Ave.
Santa Clara, CA 95051

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Letter No. IND-6 Email from Cynthia Owens, dated December 9, 2015

Response IND-6-1

The commenter expresses support for the proposed project. The comment is noted and will be provided to the decision makers for their review and consideration prior to any approval action on the project.

Letter No. IND-7

From: fredraia1@comcast.net [fredraia1@comcast.net]
Sent: Monday, December 14, 2015 1:55 PM
To: Mayor and Council
Cc: Yen Chen
Subject: Mission Town Center

To Santa Clara City Officials

I would like to voice my support for the Mission Town Center project that is proposed for the City of Santa Clara. I am a 45 year resident of the City of Santa Clara. It would be nice to have a few more restaurant choices than what we currently have near the Old Quad area of the city. This project will not only give us food options but it will also relieve some of the stress on our current rental market. This is a great opportunity for the City of Santa Clara to continue to move forward in becoming a world class city. The El Camino Real is old and tired and we need some revitalization there. The area in question is very neutral and would be a perfect location for this project. Please continue down the road to approving this project. We aren't the sleepy little town that we were 50 years ago. It is time to stop living in the past and bring in a great project that will benefit our kids and grand-kids in the future. I whole heartedly approve this project.

1

Thank you

Fred Raia

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Letter No. IND-7 Email from Fred Raia, dated December 14, 2015

Response IND-7-1

The commenter expresses support for the proposed project. The comment is noted and will be provided to the decision makers for their review and consideration prior to any approval action on the project.

Letter No. IND-8

From: micfallon@comcast.net [<mailto:micfallon@comcast.net>]
Sent: Sunday, December 20, 2015 5:37 PM
To: Yen Chen; Mayor and Council
Subject: Resident support of Mission Town Center Project

Y.Chen, Mayor and Council of the City of Santa Clara,

As a resident of the City of Santa Clara since 1980, I voice my support for the Mission Town Center Project. I attended a presentation by the Irvine Development Company on this project and was impressed with both the design and intent of the project itself, as well as the seeming integrity of Irvine Co. personnel. It seemed apparent that they are working closely, collaboratively with members of the community to optimize the benefits of this community project.

As a person frequently rides the #22 or #522 bus to and from San Jose State University, passing through the Santa Clara Transit Center, I know the area fairly well and I believe the Mission Town Project is ideal for its designated location on this block. Moreover, my wife (and I) continually complain that there are few choices of quality restaurants in Santa Clara from which to choose at which to dine, other than the ethnic (Korean, Indian) restaurants lining El Camino Real. We would most welcome a variety of California Cuisine cafes and restaurants in this project.

Finally, as my wife is retired and I as we both age, more and more we limit our trips to nearby local Santa Clara businesses. My understanding is that there will also be some small businesses in this development as well.

For these reasons at least, we support this Mission Town Center project.

Sincerely,
Michael & Rita Fallon
Pomeroy Ave, Santa Clara

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Letter No. IND-8 Email from Michael & Rita Fallon, dated December 20, 2015

Response IND-8-1

The commenters express support for the proposed project. The comment is noted and will be provided to the decision makers for their review and consideration prior to any approval action on the project.

Letter No. IND-9

From: Christopher Barnett [<mailto:cjb.barnett@gmail.com>]
Sent: Monday, December 28, 2015 12:39 PM
To: Yen Chen; Mayor and Council
Subject: Support for Mission Town Center

Mr. Chen, Council Members and Mayor:

I am writing today in support of the IAC project, Mission Town Center. Long time resident of the City of Santa Clara, I see this project as an opportunity to create the gateway to a SCLA downtown. I have discussed with my business partner and we are looking at nearby commercial lease space to further help grow the area. Additional benefits include:

- Improvements to the El Camino Real corridor
- Provides needed new housing options near the city's growing job centers
- Brings new shopping and dining choices to the City of Santa Clara
- Reduces dependence on automobiles, in turn reducing vehicle trips and emissions and greenhouse gases
- Creates a walkable community placing jobs, housing, shopping, dining and recreation in close proximity to one another
- Expands the city's recycled water infrastructure in order to serve the project

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Thank you for your dedicated service to the best city ever!!!

Cheers,

Christopher Barnett
408-805-0238

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Letter No. IND-9 Email from Christopher Barnett, dated December 28, 2015

Response IND-9-1

The commenter expresses support for the proposed project. The comment is noted and will be provided to the decision makers for their review and consideration prior to any approval action on the project.

Letter No. IND-10

-----Original Message-----

From: noreenoldquad@gmail.com [mailto:noreenoldquad@gmail.com]

Sent: Friday, January 01, 2016 9:06 AM

To: Yen Chen

Subject: Mission Town Center EIR

Dear City,

I'm am opposed to this development for not following our General Plan. The city is responsible to uphold our General Plan. A Planned development for this project is overreaching and at the expense of our historic neighborhoods.

As being part of the Santa Clara Station Focus Area this area is zoned Low to medium density residential as stated on figure 5.4-5 of the General Plan. This development far exceeds that with very high density.

5.5.2-G2 states preservation of the character of individual neighborhoods. Homes in this neighborhood are being demolished, and two are said to be moved.

5.5.2-P2 through 5.5.2-P9 Are not being met in this development.

Not only is the height not compatible, two of our historic streets are being closed.

I would like to see how this is being mitigated.

1. How does the size of this building fit into the neighborhood. GP 5.5.2-P2 2. Where are the two homes being moved to in the old quad? This must be mitigated.

3. Why are we closing our streets and where is the appraisal with fair market value?

4. What guarantee will Irvine make (if this is built) protect and repair damage to the Adobe that sits on a dirt foundation. This building area is a cross the street.

5. After the city's downtown development meetings public wants retail on super block as stated in General plan. Starting retail on Benton is directing it in a wrong direction.

Thank you,

Noreen Carlson

Sent from my iPad

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LETTER NO. IND-10 EMAIL FROM NOREEN CARLSON, DATED JANUARY 1, 2016

Response IND-10-1

The commenter expresses opposition to the proposed project. The comment is noted and will be provided to the decision makers for their review and consideration prior to any approval action on the project. Please also refer to **Responses ORG-3-1, ORG-3-2 and ORG-3-4** regarding the project's general consistency with the General Plan and compatibility with the adjacent area, as well as Section 4.5 and Table 4.5-1 in the Draft EIR. Please refer to **Response SA-2-2** regarding relocation of the two homes on the project site that were determined to be historic resources under CEQA and **Response IND-12-14** regarding vacation of the portions of Sherman and Fremont Street that are within the project site.

The commenter refers to General Plan Policies 5.5.2-P2 through 5.5.2-P9, and the project's consistency with these policies is discussed in the Draft EIR in Table 4.5-1. The project is also consistent with General Plan Goal 5.5.2-G2 (preservation of the character of individual neighborhoods). The proposed project consists of mixed-use high density residential and retail use, and is compatible with the surrounding area, which is entirely built out and consists of residential, commercial, and institutional uses. The structure would be set back 17 to 24 feet from The Alameda and the height of the structure would be reduced to 38 feet (3-stories) to be compatible with the existing residential neighborhood to the west. In addition, enhanced streetscape design consisting of street trees and landscaping along Benton Street will soften the edge between the proposed project and existing residential neighborhoods to the south. As explained in **Response ORG-3-3**, the project architecture has been purposely designed to complement the surrounding neighborhood.

The project will vacate one block of Fremont Street and one block of Sherman Street in order to construct the proposed residential building. The eastern end of Fremont Street has already been vacated by the triangular lot now bounded by Benton Street, El Camino Real and Sherman Street, and Sherman Street has been vacated at Fremont Street, thus does not provide vehicle access to El Camino Real. The sections that will be vacated provide access only to properties within the project site. The street vacation as part of the project will therefore not alter access and circulation in the project vicinity and there would be no traffic impacts due to street closure, and no mitigation is required. Please also refer to **Response IND-12-14** which explains why the street sections to be vacated are not considered a historic resource, and therefore their closure would not result in a significant impact on historic resources, and no mitigation is required.

Response IND-10-2

As discussed in Draft EIR Section 4.2, Cultural Resources, Impact CUL-1, the project would require the removal of two homes that were determined to be significant historical resources. In the event that the two houses are successfully relocated pursuant to Mitigation Measure CUL-1a, the project's contribution to the project-level and cumulative impacts on historical architectural resources would be reduced to a less than significant level. However, if they cannot be relocated and are demolished to construct the project, although the project would be required to implement Mitigation Measure CUL-1b, the project's contribution to the impact on historical architectural resources would be significant and unavoidable. As noted under Impact CUL-1, relocation is the only mitigation measure that would reduce the project's impact to a less than significant level. No other mitigation is available to reduce the impact to a less than significant level.

In the case of an unavoidable significant impact, Section 15093(a) of the CEQA Guidelines requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. The City of Santa Clara can approve a project with unavoidable adverse impacts if it adopts a "Statement of Overriding Considerations" setting forth the specific reasons for its decision.

The project's height is designed to complement the existing neighborhoods. Please also refer to **Response ORG-3-1 and ORG-3-3**.

Response IND-10-3

See **Response IND-10-1** above as to why the vacation of two street sections is proposed. With respect to the remainder of the comment, according to Section 15002(a) of the CEQA Guidelines, one of the basic purposes of CEQA is to inform governmental decision makers and the public about potential significant environmental effects of proposed activities. CEQA Section 21060.5 defines "environment" as "the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance." In addition, Section 15131(a) of the CEQA Guidelines specifically excludes economic and/or social effects from being considered significant effects on the environment. Therefore, there is no requirement under CEQA to provide an analysis of 'fair market value' of the streets that would be vacated, and no further response is required.

Response IND-10-4

The potential for vibrations generated during project construction to affect the adobe was evaluated in the Draft EIR. As analyzed and reported in Draft EIR Section 4.6, construction vibrations would be

temporary and the levels experienced at the adobe would be well below 0.1 in/sec PPV which is the threshold above which architectural damage to the building could occur (see Draft EIR pages 4.6-29 and -30).

Response IND-10-5

The commenter states that placement of retail space on Benton Street is not consistent with the desires of the general public. The comment is noted and will be provided to the decision makers for their review and consideration prior to any approval action on the project. As this comment is not directed at the environmental analysis or conclusions in the Draft EIR, no further response is required. However, for informational purposes it is noted that the General Plan calls for retail or commercial use along Benton Street in both the Santa Clara Station Focus Area (Santa Clara Station Community Mixed Use Commercial [Retail, commercial and neighborhood office uses up to 0.45 FAR], and Community Mixed Use [Retail, commercial and neighborhood office uses at a minimum FAR of 0.10]) along Benton Street within the Downtown Core Focus area.

Letter No. IND-11

Paul Stephenson

From: Yen Chen <YChen@santaclearaca.gov>
Sent: Monday, January 04, 2016 5:48 PM
To: Paul Stephenson
Cc: Shabnam Barati; Alexander Abbe
Subject: MTC Comment Letter - Stan Carlson

From: cstanson@aol.com [mailto:cstanson@aol.com]
Sent: Saturday, January 02, 2016 2:19 PM
To: Yen Chen
Subject: Mission Town Center

Dear Yen:

First of all I want to thank you for the opportunity to comment on the proposed Mission Town Center development. Being a resident of the Old Quad, this development is considered a crucial decision that will set president for the years to come regarding development of the downtown area. As this development goes so it will most likely follow within the Franklin/Benton corridor. As I recognize the need for gentrification of this corner with dated metal storage buildings, etc., quiet frankly it is alarming and concerning on many levels.

A major concern is the foregoing of the General Plan that was worked on so diligently for years by many in the community and elected leaders. I am not naive to the fact that the General Plan sometimes changes with community need. We, however, are talking about the identity of the downtown core of historic Santa Clara. It is common knowledge that as this development goes so will the remaining corridor. It is also common knowledge that some in the city leadership are envisioning such. The General Plan 2010-2035, as stated under the Santa Clara Station Focus Area, Page 5-56, the breakdown of the 12 lots in question calls for Low Density Residential (8-18 du/ac) on 5 of the lots, Medium Density Residential (19-36 du/ac) on 3 of the lots, and Regional Mixed Use (high density residential/commercial) on the remaining 4 lots. In summary 8 of the lots, which are the majority of assemblage of land, are currently zoned for Low to Medium Density Residential. The proposed change will be for Very High Residential (51-90 du/ac). An increase of say 32 to 54 dwelling units on average constituting an increase of 40% is proposed. While recognizing the need for being proactive of the changes in the area, 40% goes way beyond what was planned after much consideration when the plan was instituted just 5-years ago. This is unacceptable.

Secondly, the sections of both Fremont and Sherman Streets within this development block are proposed to be closed. There reportedly is a deal in place for purchase of these two streets from the City to Irvine Development. When will the proposed purchase price be disclosed? Were the streets formally appraised and if so where can residents review the appraisal that establish purchase price?

Third, it is general understanding that this transaction will be accomplished via a 35-year ground lease of the 12 lots (11 owned by JJ Viso Props LLC). Will the land value of the lots be reassessed to current fair market value by the county if this development transpires? If not this constitutes a "sweetheart" deal for the developer should reassessment not occur. The current land value assessment of the 12-lots is currently \$4,037,579. Under current tax levy rates this equates to \$47,038/annually (Tax Rate Area 07-000 @ tax rate 1.16500) without special assessments. When in comparison to the Silicon Sage purchase of three parcels for the Gateway Project (1.03± acres at \$5.33 million) it can be conservatively guessed that the land value of the 4.5 acres (omitting the street areas) of the proposed Mission Town Center development would be say in the \$20 million range. This would equate to annual taxes under the current tax levy rate of 1.165 of say \$233,000 annually. This would equate to a shortage of \$186,000 annually. This projects to \$6.5 million tax revenue lost over 35 years if a non-reassessed ground lease occurs. While I recognize that the proposed improvements as well as taxes on retail sales will generate substantial revenue, the ground lease scenario constitutes a large fiduciary malfeasance by Santa Clara City officials. This is unacceptable. While I recall Mr. Viso stating that a ground lease enables an annuity for dependent family members, I suggest the same could be accomplished by the investment of monies from a sale of the land to the developer.

2.0 Comments on the Draft EIR and Responses to Comments

In closing I want to reiterate that, while I recognize the need for development of this corner, the proposed plans flies in the face of the General Plan that was labored over by many competent community members and officials. I would implore the city to rethink going forward the best interest of the city and current residents of the downtown core. It has been stated tongue in cheek that anyone opposing mass development is "from the Eisenhower era." Myself, as well as many others bristle at this reference. We simply want to retain the integrity of the downtown Old Quad core and nobody assigned downtown Santa Clara as the fix all for the mass influx of population. There has been ample development elsewhere within the city to accomplish such.

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Thank you for hearing my comments.

Stan Carlson
1159 Madison Street
Santa Clara, CA 95050

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Letter No. IND-11 Email from Stan Carlson, dated January 2, 2016

Response IND-11-1

The commenter expresses opposition to the proposed project. The comment is noted and will be provided to the decision makers for their review and consideration prior to any approval action on the project.

Response IND-11-2

Please see **Response ORG-3-2** as to why the proposed density for the project site is not inconsistent with the General Plan and other regional plans.

Response IND-11-3

Please refer to **Response IND-10-3**.

Response IND-11-4

Please refer to **Response IND-10-3**. There is no requirement under CEQA to provide an analysis of potential impacts associated with land value changes and resulting tax revenue changes, and no further response is required.

Response IND-11-5

The commenter reiterates opposition to the proposed project and expresses an opinion that the project is not consistent with the desires of many members of the general public. The comment is noted and will be provided to the decision makers for their review and consideration prior to any approval action on the project. Please also refer to **Response ORG-3-4**.

Letter No. IND-12

January 3, 2016

To: Mr. Yen Chen, Associate Planner, City of Santa Clara Planning Division
 From: Lorie Garcia, Honorary City Historian, City of Santa Clara
 RE: Draft Environmental Impact Report for the Mission Town Center Project (File CEQ2015-01188).

I would like to submit the following specific comments on the below referenced sections of the DEIR.

Section 4.2 CULTURAL RESOURCES

4.2.2.1 Cultural Setting of the City of Santa Clara

Late Mexican and American Era

Note: This is confusing as to time period referenced. Do you mean *Early American Era*? We are still in the *American Era*.

First paragraph, first sentence: "a direct successor to the Mission pueblo." **Correction:** there was no such thing as a "mission pueblo." Under the Spanish system of colonization there were presidios, missions and pueblos (secular towns). The closest pueblo to Santa Clara was that of the Pueblo de San Jose. **Please correct to read** "a direct successor to the mission."

Sixth paragraph, fourth sentence: "In 1866, City officially established a grid street system to accommodate anticipated growth." **Correction:** this is misleading as the official survey was not made to specifically accommodate anticipated growth. **Please correct to read** "In 1866, the City formalized the existing street system, which had been established in 1847, when William Campbell surveyed the Town of Santa Clara for Father Jose Maria Suarez del Real, in order to facilitate the settlement of various existing titles." (At this time, Sherman and Grant Streets were renamed from Spanish and French Streets respectively.)

Additional comments: The construction of S.F. and S.J. Railroad is referenced. However, nowhere in this section is the establishment of the narrow gauge South Pacific Coast Railroad mentioned and this line was extremely important to the transportation/agricultural growth of Santa Clara. And, especially to the site proposed for the Mission Town Center project as both the passenger depot and RR warehouse were located on this property.

4.2.2.2 Archaeological Resources and Human Remains in the Project Vicinity

Spanish Colonial Era

First paragraph, first sentence: "at three distinct locations." **Correction:** There were **four** distinct locations for the mission churches. **Please correct to read** "at four distinct locations."

First paragraph, second sentence: "Three of these churches in two separate locations exist within the modern SCU campus." **Correction:** Only two of these currently exist within the SCU campus. The other sites consist of one site north of 101, one north of Martin Street and one (the Third Mission site) at the end of the Franklin Street cul-de-sac. **Please correct to read** "Two of these churches in two locations exist within the modern SCU campus."

Third paragraph, fifth sentence: "According to the yearly informal archaeological investigations, neophytes" Correction: I believe the writer is referring to the yearly *Informes*, which were yearly reports written by the mission fathers. They were neither informal nor archaeological investigations. Please correct to read "According to the yearly informes, neophytes"

7

Third paragraph, sixth sentence: "To date there appears to be one large neophyte living complex at Mission Santa Clara, despite....." This is incorrect. These building were constructed in rows of "apartments" and while the Woman's Club or Pena Adobe is the sole remaining neophyte building from the Third mission period, archaeological excavations in recent years have confirmed the existence of several neophyte living complexes (rows) at Mission Santa Clara. Please make a correction to reflect this.

8

Late Mexican and American Era

First paragraph, first sentence: "After Mexican secularization Santa Clara transformed into a working class neighborhood....." This is incorrect. After secularization, the mission became a parish church and a small secular (Mexican) community developed close to the church. A working class neighborhood did not develop in this area until the decades following the incorporation of the Town of Santa Clara. Please make a correction to reflect this.

9

4.2.2.3 Archaeological Resources and Human Remains on the Project Site

While the D/E.I.R. points out in section 4.2.2.3, that "Intact resources associated with the Mexican Period, American Period or Pre-Colonial times were not identified" it needs to be stressed that this was as the result of a very small sampling of the site. It also brings into question as to what is being considered in the D.E.I.R. as an intact resource, a bead or incised bone is an intact resource as well as a building foundation. This should be clarified.

10

4.2.2.4 Historic Architectural Resources on and in the Vicinity of the Project Site

Third paragraph, first sentence: "surveyed by W. W. Bowen in 1866." Incorrect name. W.W. Bowen did not make the survey. Please correct to read "..... surveyed by J. J. Bowen."

11

Third paragraph, second sentence. "The historic quad is an area approximately 10 by 10 blocks....." This is unclear: The original blocks were surveyed into blocks that were approximately 300' by 300'. Please clarify and make necessary corrections. Also, I would like to state my disagreement with the statement that "the Santa Clara grid overall has been extensively altered since the original survey." In fact while there have been some alterations to the grid, especially following the era of redevelopment, they have resulted in minimal disruption to the grid as shown on the 1866 survey and it retains a high level of integrity.

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Fourth paragraph, second sentence: "The original grid near the project area has been altered by the realignment of El Camino Real in 1982 and later development." The realignment of El Camino Real had minimal impact on "the original grid" near the project area. The realignment followed the then existing Campbell Avenue and the route of the South Pacific Coast Railroad. It left Sherman Street and Fremont Street in their original alignment. I would like to state that I believe the conclusions reached in this chapter of the D.E.I. R. are based on erroneous assumptions and need further clarification.

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Summary of Historical Concerns

The D.E.I.R. appears to only look at the potential for impacts to historic resources on the specific two blocks proposed for the Mission Town Center project. However, the scale and massing of this proposed project will disrupt the context of both subsurface and above ground historic resources on a much larger scale.

The proposed Mission Town center project effectively destroys part of the original street grid and the blocks and lots contained within its boundaries, thus altering the historic pattern of development in this area. After carefully investigation of historic and archaeological resources, the route chosen for the realignment of Highway 82, the Alameda bypass project, was carefully chosen by Caltrans to avoid as many impacts to these resources as possible. Therefore it was designed to follow Campbell Street and the route of the South Pacific Coast Railroad avoiding Sherman Street. This resulted in only a small portion of Sherman Street near Harrison truncated. With this small exception, Sherman Street remained in situ, in its original configuration, as it had since first laid out in 1847 as the most easterly street of Santa Clara's original street grid. The proposed project would effectively erase this section of Sherman Street north of Benton and the final block of Fremont Street.

Surrounding development on nearby land and adjacent blocks, both historic and recent has been consistent with mostly one to two story construction. This has maintained the historic view corridor in the area. The proposed project will present an multi-story intrusion into that view corridor. Along with effecting a negative impact on nearby historically significant residential structures, this has a negative impact on the context of the historic railroad structures, listed on and eligible for the National Register, and the Woman's Club or Pena Adobe, a State Landmark.

Therefore, I believe review for potential negative impacts should be at a "district" level and not limited to the specific site purposed for the project.

Summary of Archeological Concerns

The Third Mission Site for Mission Santa Clara has been declared eligible for the National Register of Historic Places, and thus the project site must be evaluated at this level of significance. And as the "site" does not mean just the church and quadrangle buildings, but the entire area occupied for the mission purposes, the potential negative impacts caused the Mission Town Center need to be reviewed at a historic archaeological district level (i.e. the remainder of the area occupied by the Third Mission Santa Clara), not just how they project affects the specific two blocks proposed for the project's location. This does not appear to have been done in the D.E.I.R.

A map drawn on April 5, 1869, showing the "Location of Sewer as accepted by the Board of Trustees of Santa Clara," indicates the sewer emptying into an "Old Ditch" approximately 75' east of the intersection of Fremont and Sherman Streets. In a conversation with Mark Hylkema, he agreed with me that it was most likely that this "Old Ditch" was indeed the Mission Zanja, shown on his Map 10 (see Attachment A), of his report on "Archaeological Investigations At The Third Mission Location of Mission Santa Clara De Asis." This further indicates that the blocks proposed for the Mission Town Center Project lie within the boundaries of the Third Mission Site.

There is ample evidence that this site has a high degree of archaeological sensitivity. Other archaeological work in the immediately surrounding area has uncovered traces of mission era occupation. SCU's "Travel Lodge project on the Alameda directly across from the proposed site uncovered archaeological resources, and mission era finds were uncovered during the archaeological investigations for the New Police

Building/Next door project, directly across the El Camino re-route on the north side of Benton Street. This property lies immediately between those two areas. Also, the list of property owners and their improvements, which accompanied the 1866 J. J. Bowen Survey of the Town of Santa Clara, shows that even then an adobe house still occupied the land on Sherman north of Benton Street.

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Also, I see no mention of alternatives to the project in the D.E.I.R. such as elimination of the underground parking to lessen any negative archaeological impacts. Or, a reduction in scale of the proposed development, which would lessen the requirement of a 9-foot sewer line and thus also lessen any potential impact to archaeological resources.

20

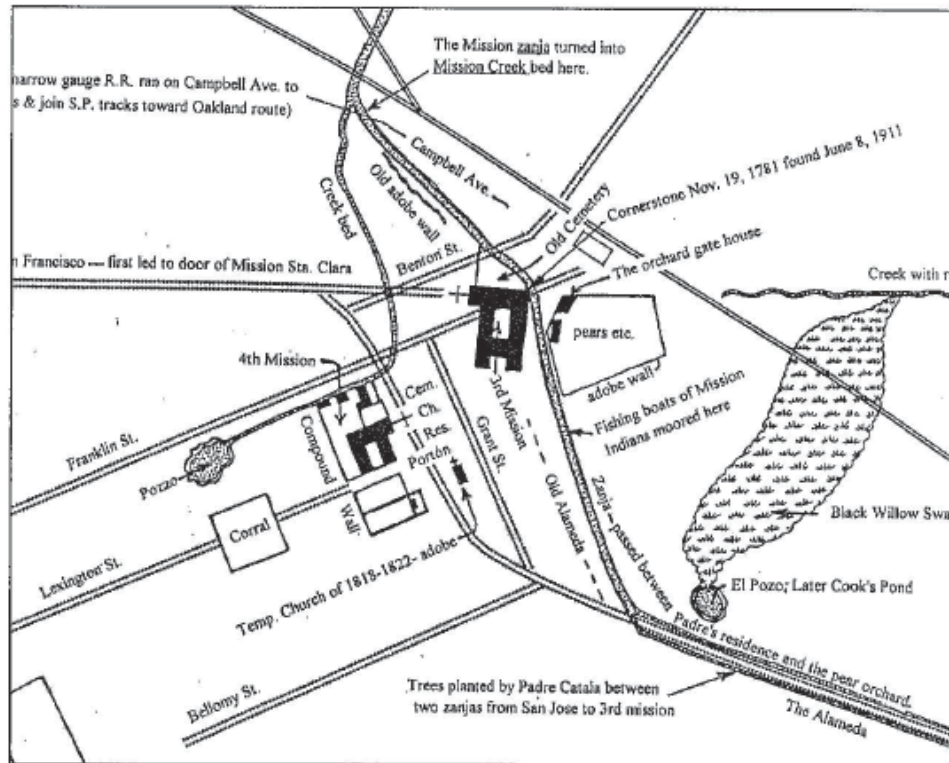
The Third Mission site has been impacted by SCU development and the proposed Mission Town Center project will further impact the site. **These impacts must be looked at as cumulative impacts to this National Register eligible site and thus I believe review for potential negative impacts should be at a "district" level and not limited to the specific site purposed for the project.**

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Again I reiterate that the Mission Town Center project must be reviewed for impacts to both historical and archeological resources, taking into account the cumulative impacts that will result, due to previous projects in the area. Any environmental review cannot adequately be looked at, at a site specific level.

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Attachment A.



Portion of Map 10, showing features of the Third Mission Site. Archaeological Investigations At The Third Mission Location of Mission Santa Clara De Asís: The Murguía Mission, 1781-1818 (CA-SCL-30/H). Page 97. Mark Hylkema 1995. Caltrans District 4, Environmental Planning, South, Oakland California.

Letter No. IND-12 Letter from Lorie Garcia, dated January 3, 2016

Response IND-12-1

The commenter points out a clarifying correction to the time period referenced in the Draft EIR. This change has been made. Please refer to **Section 3.0, Revisions and Corrections to the Draft EIR**, in this Final EIR.

Response IND-12-2

The commenter requests that a revision be made to the Draft EIR text on page 4.2-3 which reads “not a direct successor to the Mission pueblo.” The change has been made. Please refer to **Section 3.0** in this Final EIR.

Response IND-12-3

The commenter requests that a revision be made to the Draft EIR text on page 4.2-4 that discusses the grid street system. The change has been made. Please refer to **Section 3.0** in this Final EIR.

Response IND-12-4

Additional information regarding the narrow gauge railroad and a passenger depot has been added as requested, on pages 4.2-4 and 4.2-5 of the Draft EIR; please refer to **Section 3.0** in this Final EIR.

“In an effort to reach larger markets and increase their profits, the Santa Clara Tannery allied with the nearby College of Santa Clara to support the construction of the San Francisco and San Jose Railroad in 1860. The late 1870s saw the construction of the South Coast Pacific Railroad (S.P.C.RR), a narrow gauge railroad, which would run between Alameda and Santa Cruz (Macgregor 1982:124). In November, 1876, the diamond crossing, where the S.P.C. RR intersected the tracks’ of the broad gauge S.J. & S. F. (now S.P. RR), was installed near the foot of Sherman Street. By early 1877 all the grading for the narrow gauge line was completed from Santa Clara to San Jose. Before its demolition, the depot was evaluated and determined eligible for the NRHP. The building, which was presumably located to the east of the project site, has been demolished.”⁸

Response IND-12-5

The commenter requests that a revision be made to the Draft EIR text on page 4.2-5 to correct the text related to the locations of the Mission churches. This change has been made. Please refer to **Section 3.0** in this Final EIR.

⁸ Albion Environmental, Inc., *Responses to Comments on the Mission Town Center Draft Environmental Impact Report*, dated January 25, 2016, included as Appendix 2.2 to this Final EIR.

Response IND-12-6

The commenter requests that a revision be made to the Draft EIR text on page 4.2-5. The change was not made because a portion of the SCU campus is located within the third Mission Santa Clara site. Please refer to Figure 5 on page 12 of the Treatment Plan that shows John Cleal's placement of the third Mission.

Notwithstanding the above, the following text has been added to page 4.2-5:

Spanish Colonial Era

The project site lies in an area of high sensitivity for historical resources representing the Mission and Early American Eras of Santa Clara, and it is bounded by parcels known to hold significant historical resources representing these eras. As such, the project site is located within the Mission Santa Clara site which includes different components of Mission period life-ways, including but not limited to, the Mission and its associated buildings, Rancheria, and features related to agriculture and industry. Five separate Mission churches were built in Santa Clara at ~~three~~ four distinct locations.

Refer to **Section 3.0** in this Final EIR.

Response IND-12-7

The commenter requests that a revision be made to the Draft EIR text on page 4.2-6. The change has been made. Please refer to **Section 3.0** in this Final EIR.

Response IND-12-8

The commenter requests that a revision be made to the Draft EIR text on page 4.2-6 to correct the text regarding neophyte living complex at Mission Santa Clara. In the Cultural Resources Treatment Plan, Albion discusses the Ranchería as a residential complex space with many components and Albion considered the entirety of the Mission Ranchería (pgs. 19-30). The women's "apartments" are part of the residential complex along with other components. To address the comment, the text is revised as follows.

To date, there appears to be one large neophyte ~~living~~ residential complex at Mission Santa Clara with numerous components, despite the movements and reconstructions of the Mission quadrangle.

Refer to **Section 3.0** in this Final EIR.

Response IND-12-9

The commenter requests that a revision be made to the Draft EIR text on page 4.2-7 to correct the text which reads "After Mexican secularization Santa Clara transformed into a working class neighborhood....." To address the comment, the EIR text is revised as follows.

After Mission secularization, Santa Clara transformed ~~into a working class neighborhood of European immigrants~~ and the Mission became a parish church and a small secular Mexican community developed close to the church. The neighborhood within which the project site lies developed as a mixture of residential and business/industrial uses.

Refer to **Section 3.0** of this Final EIR.

Response IND-12-10

The EIR text in Section 4.2.2.3 is revised as follows to clarify the extent of sampling conducted on the project site and to provide a definition of an intact resource.

This exploratory study consisted of four small trenches with all areas excavated with a 3-foot wide, flat bladed bucket to remove soils at very small increments down to the level of historic-era resources archaeological resources. Given that previous testing involved the sampling of only a small portion of the site, intact resources associated with the Mexican Period, American Period, or Pre-Colonial times were not identified. Intact resources are discernable, discrete features, rather than isolated artifacts. One historical resource associated with the Mission Period was identified.

Refer to **Section 3.0** of this Final EIR.

With regard to what is considered an intact resource, please refer to the Cultural Resources Treatment Plan, pages 114 and 127.

Response IND-12-11

The Draft EIR text on page 4.2-12 has been revised to reflect the correct name of the surveyor. Please refer to **Section 3.0** of this Final EIR.

Response IND-12-12

The "Plat of Santa Clara compiled from Official Survey made April 1866" shown in the *Historical Atlas Map of Santa Clara County* (Thompson & West) page 43 shows the original 1866 "official" grid (or historic quad) of Santa Clara, surveyed by J.J. Bowen in 1866. The historic quad is an area approximately ten by

ten blocks bounded by Bellomy Street, Lincoln Street, Clay Street and Sherman Street (refer to **Figure 2.0-2**). It is correct that each block in the Bowen survey is approximately 300 feet square.⁹

The alterations made to the original 1866 grid during the intervening 150 years of development in the City are much more extensive than suggested by this comment (see **Figure 2.0-2**). The expansion of Santa Clara University (which has grown east and south from the original Santa Clara College parcel) adjacent to the project site on the south has resulted in the alteration of sixteen entire original blocks or partial blocks (some blocks on Sherman Street are not shown as complete blocks on the Bowen survey). Out of the nine blocks that make up Sherman Street, seven blocks have been vacated and Sherman Street no longer connects to El Camino Real. Fremont Street also no longer connects to El Camino Real. An additional eight blocks have been filled in along Franklin Street adjacent to the west side of SCU. The realignment of El Camino altered three blocks near the project site; an additional two blocks have been consolidated to form Larry J. Marsalli Park along the south side of El Camino Real (Lafayette to The Alameda). As shown in **Figure 2.0-2**, additional blocks have been altered in other areas of the original grid. The impact of these alterations is that the original grid overall does not retain a high level of historic integrity.¹⁰

Response IND-12-13

While the El Camino Real realignment had minimal impact to the small portions of the original grid located within the boundaries of the project site, the construction of El Camino Real extensively altered three original blocks north of the project site. Additionally, the overpass and interchange between De La Cruz Boulevard and El Camino Real extensively altered the two blocks bounded by Lewis Street, Alviso Street, Sherman Street, and El Camino Real. El Camino Real runs diagonally through the block south of the interchange (the block originally bounded by Lewis, The Alameda, Sherman and Harrison). While the El Camino Real realignment removed a small portion of the block bounded by Harrison, The Alameda, Fremont and Sherman, the area removed from the block was sufficiently significant so that a Queen Anne house (608 Harrison Street) adjacent to the existing house at 610 Harrison Street had to be also removed. The removal of 608 Harrison Street diminished the historic integrity of this row of houses (which also includes 640 Harrison Street). These changes occurred off-site, immediately adjacent to the northern project site boundary. The alignment also added a major regional thoroughfare (El Camino Real) adjacent to this block, thus significantly changing the setting, character, and feeling of this portion of the street grid, as well as the functionality of streets that no longer served as “through” streets connecting to other

⁹ Ward Hill, Architectural Historian, *Response to comments from Lorie Garcia, Santa Clara City Historian, on the Mission Town Center D.E.I.R.*, dated January 25, 2016, included as Appendix 2.4 to this Final EIR.

¹⁰ Ibid.

streets within the original grid (refer to **Figure 2.0-2**). Both Fremont and Sherman Street on the project site have been closed off at the Fremont/Sherman intersection (i.e., no through access to El Camino Real) because of the El Camino Real realignment.¹¹

Response IND-12-14

The project will vacate one block of Fremont Street and one block of Sherman Street. The eastern end of Fremont Street has already been vacated by the triangular lot now bounded by Benton Street, El Camino Real and Sherman Street. Also Sherman Street has been vacated at Fremont Street, thus does not provide vehicle access to El Camino. The original Santa Clara grid overall has been extensively altered since the official 1866 survey. Many streets platted in 1866 have been filled in by modern development.

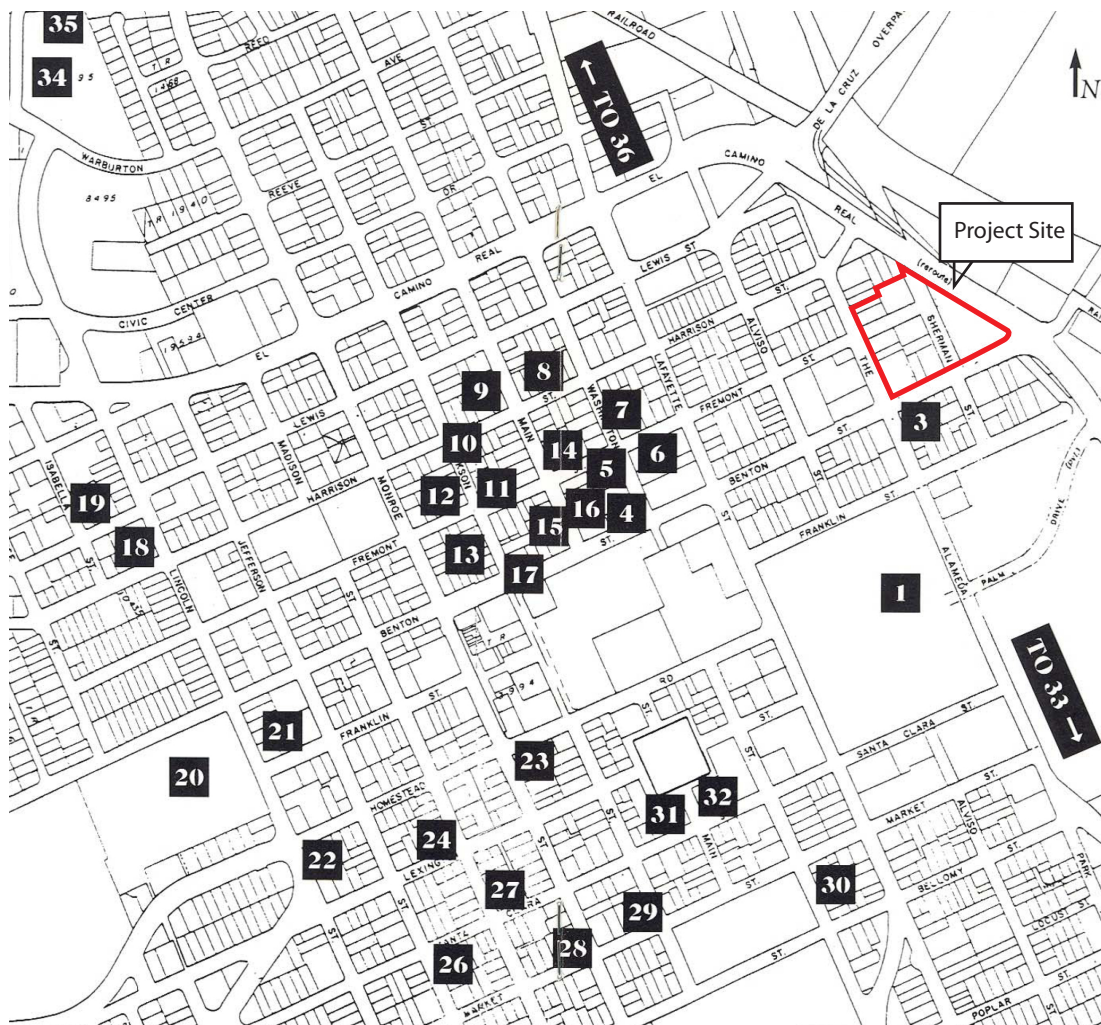
While the Old Quad neighborhood includes a number of historic residences, it is not a recognized historic district. *Eureka Citizens for Responsible Government v. City of Eureka* (2007) 147 Cal.App.4th 357 (construction of a playground in the vicinity of historical structures, or structures that are potentially historic, that does not damage or materially alter any of them is not a substantial adverse change in the significance of a historical resource.) Notably, as seen in **Figure 2.0-3, Project Site Overlaid on the Historic Home Walking Tour Map**, the project site is close to the Woman's Club adobe, but is otherwise more than two blocks away from the core area of historic homes where the street grid is minimally disrupted. Furthermore, the project site and the immediate area near the project site lacks the historic continuity and linkages between the buildings needed to retain historic integrity and to be considered an "identifiable" entity as an historic district.¹² The historic integrity of the grid has been compromised by many modern intrusions and the loss of many of the early buildings (primarily houses). The original small residential lots have been consolidated in considerably larger lots for the warehouse, office and commercial buildings (constructed primarily in the 1960s and 1970s) extant today on the project site.

The small section of the grid that includes the project site is not an historic resource eligible under California Register criteria or the criteria of the City of Santa Clara Criteria of Local Significance. Because the grid has been significantly altered in the vicinity of the project site, vacation of one block of Fremont and Sherman Street would not substantially affect the integrity of the grid that remains intact.¹³

¹¹ Ward Hill, Architectural Historian, *Response to comments from Lorie Garcia, Santa Clara City Historian, on the Mission Town Center D.E.I.R.*, dated January 25, 2016, included as Appendix 2.4 to this Final EIR.

¹² The definition of what constitutes an historic district can be found on page 5, *National Register Bulletin – How to Apply The National Register Criteria for Evaluation* (revised 1998) and the California Register regulations (Title 14, Chapter 11.5; January 1, 1998) Appendix A Glossary of Terms, page 16.

¹³ Ward Hill, Architectural Historian, *Response to comments from Lorie Garcia, Santa Clara City Historian, on the Mission Town Center D.E.I.R.*, dated January 25, 2016, included as Appendix 2.4 to this Final EIR.



SOURCE: City of Santa Clara 'Historic Home Tour Walking Map', January 2016

FIGURE 2.0-3

Project Site Overlaid on the Historic Home Tour Walking Map

Response IND-12-15

The City of Santa Clara has not designated any areas proximate to the project site as protected historic view corridors,¹⁴ and nothing in the old quad, including the street grid is an historic view corridor.¹⁵ Also the project qualifies as a transit-oriented development or TOD. An infill site is defined by SB 743 as “a lot located within an urban area that has been previously developed” while a transit priority area is defined by the statute as “an area within one-half mile of a major transit stop.” In September 2013, Governor Brown signed Senate Bill 743, which made several changes to CEQA for projects located in areas served by transit (i.e., transit-oriented development or TOD). One of the changes included a provision to exempt from analysis the aesthetic impacts of the project if the proposed project is a “residential, mixed-use residential, or employment center project on an infill site within a transit priority area.” More information about Senate Bill 743 and CEQA can be found in Draft EIR Section 4.1, Aesthetics. This comment raises aesthetic impact issues, which are not an impact under CEQA for this project, pursuant to SB 743.

With respect to the project’s impacts to above-ground historic resources, the project’s direct impact to historic resources in the built environment is analyzed in the Draft EIR Impact CUL-1. More information on the project’s impacts to the street grid itself (which is not located in the built environment) is presented in **Responses IND-12-12, IND-12-13, and IND-12-14** above.

Moreover, the urban environment of the project site and vicinity includes a heterogeneous mix of older and modern commercial and residential buildings, both taller and smaller scale structures. It is not mostly one and two story construction. On the adjacent block south of the project site, construction is almost complete on the new Santa Clara University “Art and History” Building, a three-story building with a four-story entrance bay, at the northwest corner of Franklin Street and the Alameda. Adjacent to the SCU Art and History Building on the north is 4-story SCU parking garage on the southwest corner of The Alameda and Benton Street opposite the project site. Other SCU buildings on Franklin Street are large three-story structures. Please refer to reference photos in **Figures 2.0-4, 2.0-5, 2.0-6 and 2.0-7**.

¹⁴ It should be noted that neither the City’s General Plan or Zoning Code contain any references to, or definitions of a ‘historic view corridor’.

¹⁵ Ward Hill, Architectural Historian, *Response to comments from Lorie Garcia, Santa Clara City Historian, on the Mission Town Center D.E.I.R.*, dated January 25, 2016, included as Appendix 2.4 to this Final EIR.



SOURCE: Ward Hill, Architectural Historian

FIGURE 2.0-4

Santa Clara Police Station - El Camino Real





SOURCE: Ward Hill, Architectural Historian

FIGURE 2.0-5

Santa Clara University Art and History Building at Franklin Street and The Alameda



SOURCE: Ward Hill, Architectural Historian

FIGURE 2.0-6

Santa Clara University Campus at Franklin and The Alameda





SOURCE: Ward Hill, Architectural Historian

FIGURE **2.0-7**

Santa Clara University Parking Garage at Benton and The Alameda



The Santa Clara Railroad Depot approximately 700 feet southeast of the project site is now surrounded by multi-story new construction, including the large City of Santa Clara Police Department building (601 El Camino, three stories with a four story entrance bay facing El Camino) on the north, the three-story Candlewood Suites Silicon Valley, a Bank of America Financial Center and a small retail center on the south. As such, the comment inaccurately asserts that construction in the vicinity of the project site consists of one- and two-story buildings.

Additionally, the CEQA Guidelines define a “significant effect” as a project that leads to a “substantial adverse change” such as “. . . demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historic resource would be materially impaired” and thus the equivalent of a significant environmental effect (Section 15064.5 b (1)). The significance of an historical resource is materially impaired when a project “demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources” (Section 15064.5 b (2) (A)).

The Woman’s Club (Pena Adobe) and the Santa Clara Railroad Depot (and related structures) are unquestionably significant historic buildings. The issue regarding these buildings and other historic buildings (such as the two Queen Anne houses at 610 and 640 Harrison Street) is whether or not their setting is a character-defining feature that justifies their eligibility as historic resources. Questions to consider include: (1) What is the existing visual environment in the vicinity of these buildings? and (2) Has the building’s setting already changed so significantly so that the project will not substantially diminish the significance of these historic buildings? Given the *substantial* modern alterations that have already occurred to the settings of these buildings, the setting is not a character-defining feature of any of these resources. Therefore, the project changes to the building’s setting do not constitute a *substantial adverse change* to the significance of these historic resources.¹⁶

A major existing alteration to the Woman’s Club setting is the large modern 4-story parking garage and 7/11 convenience store across The Alameda from the Woman’s Club. Modern SCU buildings have been constructed on the block to the south. Construction is almost complete on the new Santa Clara University “Art and History” Building, a three-story building with a four-story entrance bay, at the northwest corner of Franklin Street and the Alameda adjacent to the 4-story parking garage. The large auto repair building (Guerrera’s Automotive) at the northwest corner of Benton Street and The Alameda has further altered

¹⁶ Ward Hill, Architectural Historian, *Response to comments from Lorie Garcia, Santa Clara City Historian, on the Mission Town Center D.E.I.R.*, dated January 25, 2016, included as Appendix 2.4 to this Final EIR.

the setting of the Woman's Club. The principal building on the project site visible from the Woman's Club is the 1970s commercial/auto repair building at 3300-3340 The Alameda, another building that has compromised the historic setting of the Woman's Club building (this parcel originally had single family houses). The Bungalow Style house at 3370 The Alameda (near Fremont Street; over a block to the north) identified as California Register-eligible is not visible from the Woman's Club building. The house at 3410 The Alameda (potentially eligible for the Santa Clara Criteria for Local Significance) - a block and a half north- is also not visible from the Woman's Club. The historic integrity of 625 and 645 Benton Street - the two houses on the project site closest to the Woman's Club - has been compromised because of later alterations.¹⁷

Similarly, the Santa Clara Railroad Depot is now surrounded by multi-story new construction, including the large City of Santa Clara Police Department building (601 El Camino, three stories with a four story entrance bay facing El Camino) on the north, the three-story Candlewood Suites Silicon Valley, a Bank of America Financial Center and a small retail center on the south.

Given the many modern alterations to the setting the Woman's Club building and the Santa Clara Railroad Depot that have already occurred, the setting of these buildings is not a character-defining feature associated with their eligibility as historic resources. In conclusion, the project's impacts to the setting of these historic resources do not constitute a significant effect on historic resources under CEQA.¹⁸

Response IND-12-16

The Cultural Resources Treatment Plan discusses the complex landscape surrounding the Mission Santa Clara and the likelihood of associated cultural resources well beyond the area where the third Mission resources have been recorded to date (for example Cultural Resources Treatment Plan, pages 11-33; 51). As provided in the Treatment Plan, the analysis and interpretations of the Mission Town Center Project archaeological data will not be done in isolation; instead they will be placed within the context of what is already known about the third Mission Santa Clara site, and how the findings will contribute to the understanding of the Mission Santa Clara site. As noted on page 14 of the Cultural Resources Treatment Plan, the site boundaries of the third Mission are not yet determined. In responding to the reviewer's comment, the third paragraph on page 4.2-5 is revised as follows to clearly note that the project site is located within the third Mission Santa Clara site:

¹⁷ Ward Hill, Architectural Historian, *Response to comments from Lorie Garcia, Santa Clara City Historian, on the Mission Town Center D.E.I.R.*, dated January 25, 2016, included as Appendix 2.4 to this Final EIR.

¹⁸ Ibid.

Spanish Colonial Era

The project site lies in an area of high sensitivity for historical resources representing the Mission and Early American Eras of Santa Clara, and it is bounded by parcels known to hold significant historical resources representing these eras. As such, the project site is located within the Mission Santa Clara site which includes different components of Mission period life-ways including but not limited to the Mission and its associated buildings, Rancheria, and features related to agriculture and industry. Five separate Mission churches were built in Santa Clara at ~~three~~ four distinct locations.

Refer to **Section 3.0** of this Final EIR.

Response IND-12-17

Please refer to **Response IND-12-16**. The Draft EIR has been revised to clearly state that the project site lies within the third Mission Santa Clara site.

Response IND-12-18

Please refer to **Response IND-12-16**.

Response IND-12-19

The commenter expresses concern that an alternative eliminating the underground parking to lessen any negative archaeological impacts was not explored.

As stated in Section 15126.6(a) of the CEQA Guidelines, an EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparable merits of the alternatives. However, an EIR need not consider every conceivable alternative to a project. The Draft EIR provides a range of potential alternatives to the proposed project which includes those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. As the Lead Agency is responsible for selecting a range of project alternatives for examination, City representatives made the final determination as to which alternatives would be analyzed in the Draft EIR. Here, the City considered three feasible alternatives (No Project/No Redevelopment; No Project/Planned Development; and Reduced Residential Density) and analyzed the environmental impacts of each in Chapter 5 of the Draft EIR.

Notwithstanding the foregoing, the applicant is willing to consider the provision of tandem parking in the parking garage in order to eliminate the need for the subterranean level of the parking garage,

provided that this is direction given by City staff and approved by the Planning Commission and City Council. The applicant has determined that the number of parking spaces that would be provided in the subterranean level of the proposed garage can be provided in the form of tandem spaces within the five aboveground levels of the parking garage. No changes to the site plan or any other aspect of the project would be triggered by the elimination of the subterranean level, and this change would not result in any new environmental impacts, or an increase in severity of existing impacts. The elimination of the subterranean level would reduce the energy use on the project site as energy needed for the ventilation and lighting of the subterranean level would not be required. The elimination of this level would also slightly shorten the construction duration. As a result, this project variant that excludes the subterranean level of the garage would not result in any new environmental impacts that are not addressed in the Draft EIR, nor would it increase the severity of previously analyzed and disclosed impacts of the proposed project. In general, the project variant would reduce all environmental impacts slightly, including construction-phase air quality and noise impacts, potential to disturb previously unknown contamination during construction, and the potential to encounter and/or disturb unknown subsurface archaeological resources. Note that the project variant would still disturb the top 5 to 6 feet of soil and earth materials on the project site for the installation of utilities, building foundations, and elevator shafts, which is the horizon in which Mission period deposits are likely to occur. It would avoid disturbing earth materials at greater depths and therefore should pre-historic (pre-Mission) deposits be present on the site, those would not be disturbed under this project variant. As such, this project variant provides more opportunity for preservation in place of certain unknown cultural resources. However, although many impacts may be reduced, none of the significant impacts would be eliminated and all of the mitigation measures, including the Cultural Resources Treatment Plan, would be required.

The installation of a nine foot diameter sewer to serve the proposed project is not required. The project proposes to reroute the storm drain on Sherman Street around the project site to the east along Benton Street and then to the north along El Camino Real within the public right of way. The new segment of storm drain would be upsized as part of the proposed project to 72 inches (six feet) to maintain prior capacity. The environmental impacts from the installation of the storm drains in El Camino Real and Benton Street, as well as all other utility work required for the project are analyzed in the various sections of the Draft EIR. Impacts on cultural resources are evaluated in Section 4.2, and mitigation measures are set forth in that section to address potentially significant impacts to archaeological resources that could be encountered during utility construction. Similarly, impacts associated with construction-phase air pollutant emissions, noise and vibrations, and exposure to subsurface contamination that may be present in the area of utility construction are analyzed in Draft EIR Section 4.1, Section 4.6, and Section 4.4 respectively.

Response IND-12-20

Please refer to **Responses SA-2-1** and **IND-12-16**.

Response IND-12-21

The Draft EIR was prepared in compliance with Section 15151 of the CEQA Guidelines, which states that ‘an EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. ... The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.’ Further, the Draft EIR was reviewed, revised, and approved by representatives of the City of Santa Clara Department of City Planning. In so doing these City representatives have exercised their independent judgment that the analyses in the Draft EIR are sufficient for its release to the public for review and comment.

As noted, the Draft EIR provides a good faith effort at full disclosure of potential project level and cumulative impacts to cultural resources as a result of implementation of the proposed project, and provides feasible measures to mitigate these impacts in Section 4.2, Cultural Resources, along with the accompanying appendices which include a Cultural Resources Treatment Plan (Appendix 4.2a) and a Historic Architecture Evaluation Report (Appendix 4.2b).

Letter No. IND-13

Mission Town Center EIR comments from Sudhanshu Jain

Here are my comments regarding the EIR for the Mission Town Center development for 385 housing units being proposed by the Irvine Company.

1. Transportation and traffic

It is possible for the project to do much more to mitigate traffic impact than what is outlined in this EIR. The mere fact that there is no TDM plan for such a high density project is cause for concern.

The EIR states that there is no TDM plan

The project traffic study predicted 2,440 daily trips would be generated by the proposed project and this data was input to the CalEEMod model.

Transportation Demand Management and Bicycle/Pedestrian Enhancements

Although bicycle and pedestrian enhancements are included in the project, no TDM strategies are proposed as part of the project. Trip/emission reductions due to bicycle and pedestrian enhancements were not included in the CalEEMod emissions modeling.

"Impact TRANS-1

Development of the proposed project would conflict with the applicable standards adopted by the local jurisdictions to evaluate the performance of CMP and non-CMP intersections under Background (2020) conditions.

1

No mitigation measures are feasible. Significant and Unavoidable" p 2.0-28

1. There should be a TDM plan. Every project in the City contributes to traffic congestion so every project in the City needs some sort of traffic mitigation. This project is large enough to warrant a TDM plan. Residents of the Old Quad are very concerned about parking and traffic.

It is not correct that no mitigation measures are feasible. Here are some options:

- Unbundle the parking
- Add Zip (shared) Cars to the project
- Increase the number of bicycle racks and lockers
- Subsidize transit passes for residents in exchange for higher density and less parking
- Provide information for public transit in the lobby
- Work with the City of Santa Clara to provide shared public bicycles at the transit center

Santa Clara General Plan has the following goal:

Policy 5.8.5-P6 Encourage transportation demand management programs that include shared bicycle and autos for part-time use by employees and residents to reduce the need for personal vehicles. p 4.5-24

This project should commit to a specific minimum number of shared autos (Zip Cars, etc). This will allow for a reduced number cars needed by residents.

1

2. Traffic impacts monitoring must be done by 3rd parties and must be publicly reported. Stiff penalties must be imposed for failing to meet targets.

2

3. Provide fair share funds for improvement of traffic signal and intersection of El Camino Real and Benton Streets and also perhaps at the intersection of El Camino Real and Lafayette.

3

Transit and active transportation improvements

4. The EIR calls for:
The proposed project includes 129 Class I bicycle locker spaces and 26 Class II bicycle racks for use by the residents, four Class I bicycle locker spaces for use by retail employees, and six Class II bicycle racks for use by retail patrons. DEIR page 3.0-11

New York City requires one bicycle parking spot per two dwelling units but other cities require as many as one bicycle parking spot per dwelling unit and the City of Davis California goes as far as two bicycle parking spots per dwelling unit. The parking must be secure to prevent theft and vandalism. This project has a ratio of 0.4 bicycle parking spots compared to New York's 0.5 ratio. The statement above from the DEIR is unclear whether the six Class II bike racks for retail patrons are spots or racks that each have multiple spots. Six spots will not be sufficient.

4

See also:

http://labike.org/sites/default/files/Websitefiles/LACBC_Bicycle_Parking_Ordinance_Guide.pdf

Automobile Parking

The parking garage would provide a total of 839 parking spaces, including 674 spaces for the residential component of the project and 165 spaces for the retail component of the project. DEIR page 3.0-11

- The Santa Clara Square project with 1800 units will have unbundled parking. Mission Town Center should do the same.
- Autonomous vehicles and services like Uber are likely to result in lower parking needs. Building layout and parking should be designed to allow repurposing of parking (or avoiding having to build it if not needed)
- The EIR calls for:

5

"All parking garages will be equipped with Electric Vehicle (EV) charging stations." P 3.0-20

The proposed project will include a total of 839 parkingspaces, and will include 43 vehicle charging stations (5 percent of total parking). DEIR page 4.3-38

5. This project should follow the same percentage of electric vehicle charging stations as the Santa Clara Square phase 2 project (for 1800 dwelling units) and commit to supporting future expansion of EV charging stations. The EIR does not specify how many will be available for commercial versus residential use. This needs to be specified :

FROM SANTA CLARA SQUARE FINAL EIR:

The project applicant has stated that 10 percent of the residential parking will be set up with charging stations for electric vehicles at the time that the residential certificate of occupancy is issued, with an additional 15 percent wired for the future installation of charging stations such that at project buildout up to 25 percent of the project's residential parking would be available for electric vehicles if needed (see **Figure 2.0-2**). The charging rates will be Level 2. *Santa Clara Square – Residential/Mixed Use Project Final EIR*
1176.002 December 2015 page : 2.0-64

5

Jobs and Housing

6. The Santa Clara Square project now will have 180 units of Affordable housing (10%). This project should follow the same percentages.

6

Where will the workers live and commute from? The Greenhouse gas emissions from workers commuting must be considered.

Parks and Open Space

The EIR indicates a Floor Area Ratio (FAR) of 2.3 and 67 dwelling units per acre.

"There are approximately 5.0 acres of impervious surfaces and 0.7 acres of pervious surfaces currently on the project site. After development of the proposed project, impervious surfaces on the project site would total about 4.8 acres, which represents a four percent decrease below current conditions (CEA 2015)."

"The project would provide 0.15 acres of publically accessible open space. Additionally, a payment of development fees due in lieu of land dedication, minus the maximum credit of 50 percent for eligible onsite parkland recreational elements, would be required." DEIR page 4.5-9

7

Using average household size of 2.69 persons for the City of Santa Clara (DOF 2015) for 385 units, we get 1035 people which under fee mitigation act, would warrant $1.035 * 2.53 = 2.61$ acres of parkland.

"Based on the findings of the Appraisal Report, the average per acre land value for each ZIP Code area for calendar year 2015 is: \$4.9 million per acre (\$112.49/sf) in 95050; \$5.150 million

per acre (\$118.23/sf) in 95051; and, \$4.930 million per acre (\$113.18/sf) in 95054." Santa Clara City Council packet 12/15/2015.

This means that the City needs to spend $2.61 * \$4.9 \text{ million} = \12.798 million to purchase land for parks to account for the extra residents.

7

Water Usage

"The proposed project is estimated to require approximately 60.1 acre-feet of potable water annually. If the annual water demand associated with the existing uses on the project site (1.7 acre-feet) is deducted from this number, the net additional water required by the proposed project would be about 58.4 acre- feet/year." DEIR page 3.0-22

8

"Recycled water would be used for landscape irrigation on the project site. The project would extend the 8-inch recycled water main approximately 500 linear feet within Fremont Street " DEIR page 3.0-22

6. I'm very pleased that the project is committed to extending the 8 inch recycled water main by 500 feet in order to use recycled water for landscape irrigation. As the impacts of climate change worsen, we'll need to rely more and more on recycled water.

Greenhouse Gas Emissions

4.3.4.3 Cumulative Impacts and Mitigation Measures

Cumulative Impact GHG-1: The proposed project would not result in a significant cumulative GHG impact. (Less than Significant)

As the impact from a project's GHG emissions is essentially a cumulative impact, the analysis presented in the section provides an adequate analysis of the proposed project's cumulative impact related to GHG emissions. Based on the analysis above, the proposed project would result in a less than significant cumulative impact.

Mitigation Measures: No mitigation measures are required.

9

I don't agree that the GHG impacts are less than significant because every project anywhere contributes to global GHG emissions and in aggregate THOSE impacts are very significant. Comparing to global emissions would mean that no single project should need to reduce GHG emissions.

Santa Clara has a Climate Action plan which mandates that GHG emissions need to be reduced within City boundaries.

7. I'm very pleased that the project will be built to LEED Gold equivalent standards. Once constructed, I would like to see that the conservation measures be scored by an independent third party.

10

The residential usage of electricity will at a minimum be at least 10 percent better than Title 24 (2013) standards and that Energy Star appliances will be installed in the residential units
DEIR page 4.9-30

10

8. I'm very pleased by the following commitment to solar but I want to know how and when a decision would be made to actually install solar panels:

A minimum of 15 percent of the roof areas will be reserved for future photovoltaic (PV) solar installation, and infrastructure (conduit, structural elements, etc.) will be provided to facilitate the future PV solar installation. DEIR page 4.9-30

11

9. I'm very pleased that a common boiler will be used to provide hot water. Wiring infrastructure should be provided so that the boiler may employ a heat pump to warm the water.

12

Common hot water boiler systems will be used for efficient hot water distribution. DEIR page: 4.3-36

10. This project will generate a lot of trips (*predicted 2,440 daily trips*). While proximity to the Santa Clara Transit Station is expected to reduce VMT by 34% over other projects which are not located near transit, there should be a TDM plan with concrete plans to reduce the number of Vehicle Miles Traveled (VMT). Incentives for public transit use in exchange for unbundling parking may accomplish this goal.

13

11. The large parking garage along Highway 101 for Santa Clara Square shines brightly all night long. This is an eyesore, creates light pollution and consumes a lot of electricity. This is even after the Irvine company dimmed the lights per my feedback. Per the table below, the parking structure at Mission Town Center will consume a lot of electricity (51% of total). This parking garage should have two level lighting with motion sensors and should be designed to minimize light pollution, especially from lights on the top floor.

14

Table 4.9-11
Estimated Project Electricity Demand

Proposed Land Use	KWH Usage Yearly	MWh Usage Yearly
Residential	1,264,560	1,265
Retail	254,880	255
Leasing	67,000	67
Amenity	46,200	46
Parking	1,729,920	1,730
Subtotal	3,362,560	3,363
Occupied On-Site Buildings	669,919	670
Net Usage	2,692,641	2,693

Source: Illingworth & Rodkin 2015
gsf = gross square feet

14

Schools

Impact PUB-3

The proposed project would not require the construction of new or physically altered school facilities.

Level of Significance before mitigation: Less than significant

Mitigation Measures: No mitigation is required.

Level of Significance after mitigation: Less than significant

12. This project has 385 units. Using average household size of 2.69 persons for the City of Santa Clara (DOF 2015), this might indicate up to 265 school age children living with their parents. I compared this with the Santa Clara Square development in which it was determined that 1800 units will result in 37 school age children. Using the same ratios, as that project, I calculate $385/1800 \times 37 = 8$ school age children. The DEIR does not specify any payments for schools but I see in a December 14, 2015 letter from Dr. Stan Rose to Carlene Matchniff the following agreement which I believe was accepted by the Irvine Company at the Dec 15th City Council meeting. What are the actual payments for this project (voluntary and District Developer Fees)?

15

LETTER:

In the December 10, 2015 letter, the Irvine Company offers to add a voluntary mitigation ("Voluntary Mitigation") amount to each of three projects: Santa Clara Square, Mission Town Center, and The Hamptons (collectively, the "Developments" and individually, the "Development").

1.

The Santa Clara Square Project will contribute \$5.6 million in addition to the payment of the then current District's Developer Fees collected pursuant to the provisions of Education Code section 17620 et seq. and Government Code section 65995 et seq. ("Developer Fees").

2.

The Mission Town Center Project will contribute \$1.1 million in addition to the payment of the then current District's Developer Fees.

3.

The Hamptons project will contribute \$2.4 million in addition to the payment of the then current District's Developer Fees.

The Developer Fees for each respective Development will be paid when the statutory Developer Fees are due to the District. However, the additional, Voluntary Mitigation for each respective Development will be fully paid at the time of application of the first residential building permit for that Development

15

Letter No. IND-13 Letter from Sudhanshu Jain, dated January 4, 2016

Response IND-13-1

The applicant has committed to developing and implementing a TDM program for the proposed project. Please see **Response SA-1-5** for information on the proposed TDM program and targeted VMT reduction.

Response IND-13-2

The TDM program will include monitoring by a third party of vehicle trip generation on the site. If reductions are not seen from the TDM program, modifications to the plan will be required. At this time, the City does not assess penalties on projects if targets are not met.

Response IND-13-3

There are no significant impacts at the intersection of El Camino Real and Benton Street from the project. Therefore no operational improvements at this intersection are identified at this time. Improvements along the project's frontage at this intersection are planned as part of the proposed project and would be implemented.

The intersection of El Camino Real and Lafayette Street does not meet the level of service standards under either the no project or project conditions for the year 2040. However, the project traffic does not add enough delay to the intersection to trigger a significant impact (see Table 4.8-10 in the Draft EIR). Therefore no operational improvements at this intersection are identified in the EIR at this time, and there is no nexus for requiring the payment of fair share funds for traffic improvements.

Response IND-13-4

The bicycle parking supply (including class II bike racks) that would be provided as part of the proposed project meets the prevailing standards that are documented in the VTA Bicycle Technical Guidelines (2012) for the Santa Clara Valley. All references to "racks" refer to single parking spots for bicycles for a total of 165 bicycle spaces on site.

Response IND-13-5

As noted above in **Response SA-1-5**, the project will provide unbundled parking. Although the site is not currently designed to provide parking for Uber and autonomous vehicles, the strategies of preferential carpool and vanpool parking along with unbundled parking will be implemented on site to reduce parking demand.

The applicant has stated that five percent of the residential parking will be set up with charging stations for electric vehicles at the time that the residential certificate of occupancy is issued, with an additional 10

percent wired for the future installation of charging stations such that at project buildout up to 15 percent of the project's residential parking would be available for electric vehicles if needed. These are the same as the percentages of charging stations included in the Santa Clara Square Residential Mixed Use project, as stated in the Errata Sheet presented to the Planning Commission in December 2015.

Response IND-13-6

Santa Clara City Code does not include any requirements for the provision of affordable units within or in connection with the residential rental program. *Palmer/Sixth St. Props., L.P. v. City of Los Angeles* (2009) 175 Cal.App.4th 1396 (holding that provisions of a specific plan requiring developers of new rental housing to rent a portion of the units at restricted rents conflict with the Costa Hawkins Act). The commenter's policy advocacy for affordable housing is noted for the record. On a voluntary basis, the project will provide 10 percent affordable units, and as a multi-family rental product is "affordable-by-design" in comparison to more costly housing types such as single-family homes, and will help the City achieve its affordable housing goals.

With regard to greenhouse gas emissions (GHG) from workers commuting to the project site to work in the retail space and leasing office, the commuting workers were accounted for in the analysis in Section 4.3, Greenhouse Gas Emissions, of the Draft EIR. The CalEEMod model was used to estimate operational GHG emissions associated with the proposed project. CalEEMod provides emissions for transportation, areas sources, electricity consumption, natural gas combustion, electricity usage associated with water usage and wastewater discharge, and solid waste transport and disposal. Trip/emission reductions due to bicycle and pedestrian enhancements were not included in the CalEEMod emissions modeling; therefore the estimated emissions represent a conservative, 'worst case' estimate. As shown on page 4.3-32 of the Draft EIR, the impact from the proposed project's operational GHG emissions would be less than significant.

Response IND-13-7

The comment expresses concern regarding the cost of purchasing new parkland in the City to serve the project population. Please note that the cost of land is a socioeconomic issue that does not have an impact on the physical environment, and is therefore outside the scope of the analysis in an EIR. Furthermore, the in-lieu park fee is set on a citywide basis under City Code Chapter 17.35, and Mitigation Measure PUB-5, under which the project will pay in-lieu fees to mitigate some of its impact on parks, is fully compliant with that Chapter. The City has determined that dedication of land and payment of remaining fees due in lieu of land dedication (due and payable to the City prior to issuance of a building permit for each dwelling unit), minus the maximum credit of 50 percent for eligible onsite parkland recreational elements represents full and complete mitigation for parkland impacts.

Response IND-13-8

The commenter expresses support for the proposed project's use of recycled water. The comment is noted and will be provided to the decision makers for their review and consideration prior to any approval action on the project.

Response IND-13-9

The analysis in the Draft EIR Section 4.3, Greenhouse Gas Emissions, acknowledges that the impact from a project's GHG emissions is essentially a cumulative impact, and states that the analysis presented in the section is essentially an analysis of the proposed project's cumulative impact related to GHG emissions.

The Draft EIR concludes that the project's GHG impact would be less than significant. This conclusion is not based on a comparison of the estimated emissions to global emissions but on a comparison to a quantitative threshold set forth by the Bay Area Air Quality Management District (BAAQMD) for use by lead agencies in the Bay Area to evaluate a project's impact. See Table 4.3-5 on page 4.3-32 in the Draft EIR. The GHG thresholds were developed by the BAAQMD by preparing an emissions inventory of existing emissions from all sources in the Bay Area, developing a projection of GHG emissions in 2020 based on the projected growth in the Bay Area, and estimating the reduction in the GHG emissions needed by 2020 in order for the area to comply with AB 32. As these thresholds are specifically designed for the Bay Area, and have been set forth by a regulatory agency with jurisdiction over air quality in the Bay Area, the City has appropriately used these thresholds to evaluate the project's GHG impact and has concluded that the project's impact is less than significant. Further, the California Supreme Court recently cited to the BAAQMD thresholds as valid criteria in evaluating the significance of potential GHG impacts of a project. *Center for Biological Diversity v. California Department of Fish and Wildlife*, S217763.

The Draft EIR also includes an analysis of the project's consistency with a number of plans that address GHG emissions and climate change, including AB 32, the Bay Area Air Quality Management District guidelines, Plan Bay Area (which includes the region's Sustainable Communities Strategy and the 2040 Regional Transportation Plan), and the City of Santa Clara Climate Action Plan. This approach – evaluating the significance of GHG impacts based on consistency with applicable plans – was also approved by the California Supreme Court in *Center for Biological Diversity*. Based on this analysis, the EIR finds that the proposed project would result in a less than significant (cumulative) impact as related to GHG emissions.

Response IND-13-10

The commenter expresses support for the proposed project's proposal to be built to LEED Gold equivalent standards and requests that once constructed, the conservation measures be scored by an independent third party. The comment is noted and will be provided to the decision makers for their

review and consideration prior to any approval action on the project. As this comment is not directed at the environmental analysis or conclusions in the Draft EIR, no further response is required.

Response IND-13-11

The commenter expresses support for the proposed project's provision that a minimum of 15 percent of the roof areas will be reserved for future photovoltaic (PV) solar installation, and requests additional information regarding how and when a decision would be made to actually install solar panels. As stated in the Draft EIR, the project applicant has committed to attain a project designed to a minimum LEED Gold or greater equivalent standard. As part of the process to design the project to meet this standard, the project applicant is currently evaluating the installation of solar panels on the roof as one of the various energy-related measures.

Response IND-13-12

The commenter expresses support for the proposed project's use of a common boiler and recommends that the infrastructure be wired such that a heat pump could be used to heat the water. The comment has been conveyed to the applicant for further evaluation. The comment is not directed at the environmental analysis in the EIR and no further response is required.

Response IND-13-13

Please see **Responses SA-1-5** and **IND-13-1** for information on the TDM program that the applicant has committed to develop and implement as part of the proposed project.

Response IND-13-14

With respect to light and glare from the garage top, because residential units will wrap around the garage, the lighting on the top level of the garage is not expected to be visible from most of the adjacent roadways. Please see Figures 3.0-8 and 3.0-9 in Section 3.0 of the Draft EIR which show perspectives of the project as viewed from El Camino Real. As can be seen from these graphics, the parking garage will not be visible from this roadway. The same is true for other surrounding streets.

With regard to energy use, please note that the estimated energy demand reported for the proposed parking garage in Draft EIR Table 4.9-11 is based on a calculated number derived from CalEEMod. It should be noted that for the CalEEMod modeling, the parking spaces were bundled and input in the model as "Enclosed Parking with Elevator." This model includes the use of electricity not only for lighting, but also to power the elevator(s), ventilation fans, and pumps that may be necessary for dewatering. Therefore the model presents an extremely conservative, scenario of energy use prior to any mitigation. As discussed in Draft EIR Section 3.8.5 Sustainable Design Features, the project would achieve a minimum of LEED Gold or greater equivalent, all of the project structures would at a minimum be at

least 10 percent better than Title 24 (2013) standards, and exterior lighting would utilize energy efficient LED and fluorescent light fixtures. Further, should the below-grade parking level be eliminated (as discussed in **Response IND-12-20**), the project would not require the extensive use of ventilation fans or dewatering pumps. Therefore, electricity usage in the parking structure will mostly likely be far lower than the conservative number reported in the Draft EIR.

Response IND-13-15

Please refer to **Responses LA-3-2** through **LA-3-7** for a discussion regarding project impacts to local schools.

Letter No. IND-14

From: Brian Goldenberg [<mailto:bgold1642@yahoo.com>]
Sent: Monday, January 04, 2016 5:37 AM
To: Yen Chen
Subject: In support of Mission Town Center

Dear Yen Chen,

I am writing in support of the Mission Town Center project.

As a life-long Santa Clara, I feel this development will provide many benefits and help us revitalize a key section of the city.

I like that it will provide needed housing, shopping, and dining near the University, the Caltrain station, and a growing job center.

I also am really excited about how this creates a walkable community where people can live, work, shop, and eat all in a small area. This will give us a destination point to compete in some ways with Downtown Sunnyvale, Mt. View., and other neighboring communities.

Please help make this opportunity a reality and help us grow with this fresh exciting project that can help improve the quality of lives for Santa Clarians.

Sincerely,

Brian Goldenberg
2047 Eucalyptus Ct.
Santa Clara, CA 95050

1

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**LETTER NO. IND-14 EMAIL FROM BRIAN GOLDENBERG, DATED
JANUARY 4, 2016**

Response IND-14-1

The commenter expresses support for the proposed project. The comment is noted and will be provided to the decision makers for their review and consideration prior to any approval action on the project.

Letter No. IND-15

From: Daniele D Souza [<mailto:ddsouza@godaddy.com>]
Sent: Monday, January 04, 2016 3:33 PM
To: Yen Chen; Mayor and Council
Subject: Support of Mission Town Center project

Hello,

I am writing to you in support of the Mission Town Center Project in Santa Clara. Both my husband and I are natives' of Santa Clara and have lived here for 48 years. I have raised 2 children in this great community I call home. I own a home on Camino Drive and I would be thrilled to have all of the amenities listed below within a short distance from where I live. I have felt that Santa Clara has been lacking in this area for quite some time. It would be great to walk to get a cup of coffee, a bite to eat, and shop locally while keeping our dollars in our city as well as supporting small business owners. Let's add more value to Santa Clara and make it a place where people want to hang out at!

1

Thank you!
Daniele Souza | Kevin Souza

Mission Town Center's Benefits to Santa Clara

- Improves the El Camino Real corridor
- Provides needed new housing options near the city's growing job centers
- Brings new shopping and dining choices to the City of Santa Clara
- Reduces dependence on automobiles, in turn reducing vehicle trips and emissions and greenhouse gases
- Creates a walkable community placing jobs, housing, shopping, dining and recreation in close proximity to one another
- Expands the city's recycled water infrastructure in order to serve the project

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Letter No. IND-15 Email from Daniele Souza, dated January 4, 2016

Response IND-15-1

The commenter expresses support for the proposed project. The comment is noted and will be provided to the decision makers for their review and consideration prior to any approval action on the project.

Letter No. IND-16

From: Ruben Camacho [<mailto:rubyrube1999@yahoo.com>]
Sent: Monday, January 04, 2016 2:05 PM
To: Yen Chen
Cc: Mayor and Council
Subject: Mission Town Center

Hello Mr. Chen,

I am writing you this email in support of the proposed Mission Town Center project. My family has been in Santa Clara since 1936 and I am very encouraged with the developments that have taken place so far. I look forward to the Mission Town Center project to carry on the forward thinking that is necessary for Santa Clara to remain relevant now and going in to the future. I know there are critics but the benefits are pretty obvious.

With this project we will finally have a walking downtown which will only enhance our ability to attract new housing options while supporting our growing job sector. There will be new shopping and dining options that will make us attractive to job seekers and hopefully encourage them to become residents. The El Camino Real has been going thru change and this will only enhance what has been started.

I am excited with all the upgrades that we have accomplished so far and look forward to seeing our city continue to be forward thinkers and that our leaders keep Santa Clara relevant for generations to come.

Thank You,

Ruben

Ruben Camacho
408-234-1711

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Letter No. IND-16 Email from Ruben Camacho, dated January 4, 2016

Response IND-16-1

The commenter expresses support for the proposed project. The comment is noted and will be provided to the decision makers for their review and consideration prior to any approval action on the project.

Letter No. IND-17

From: christine pfendt [mailto:cpfendt@gmail.com]
Sent: Tuesday, January 05, 2016 1:43 PM
To: Yen Chen
Subject: Re: Need to Resend Comment on MTC

Dear Mr. Chen:

I am opposed to the Mission Town Center development. I am against the project for many reasons, the foremost reason is that it **does not follow the city's General Plan**. This development project encroaches on one of Santa Clara's historic neighborhoods. Plus, the proposed development is in an area zoned for low to medium density housing because of the Santa Clara focus area. Why would the city council agree to a development that goes against the city's general plan and zoning laws?

High density construction belongs in new, yet to be established, neighborhoods not in historical neighborhoods. Please refer to Figure 5.4-5 of the General Plan concerning historical neighborhoods. Section 5.5.2-G2 states the need to preserve of the character of individual neighborhoods. Homes in this neighborhood would be demolished and two would be moved. Where? Height restrictions are not compatible, and two of our historic streets are being closed. How does this improve the city? These actions do not follow the General Plan. How could these issues possibly be mitigated? The development project EIR clearly states a number of adverse impacts to the General Plan. "Based on the conclusions in the Draft EIR, implementation of the proposed project would result in **Significant Unavoidable** project-level impacts with regard to **historic and cultural resources**, and **traffic**, and **Significant Unavoidable** cumulative impacts with regard to **historic and cultural resources**, and **traffic**"

Another question arises if this development proceeds. What guarantee will Irvine make to protect and repair damage to the Adobe that sits on a dirt foundation? (This area is across the street.)

After the city's downtown development meetings, residents would like retail on the super block as stated in the General Plan. Opening up retail establishments on Benton opposes this request.

After reading the EIR, which seems to be incomplete, even more concerns based on inconsistencies and omissions. Important omissions that affect all Santa Clara residents.

1) Residents bought property based on the General Plan. **Will the city council renege** on what was promised to residents?

2) What about traffic snarls? The Alameda is already backed up with traffic congestion, closing off streets and reducing street parking will just add to the problem.

3) Will the proposed parking structure be open to the public at no cost? This development project takes away street parking, where will residents park? We don't need another parking structure like the Santa Clara University. That garage is pay only from 6 a.m. to 8 p.m., Monday through Friday. Students taking night classes park on the street to avoid paying for parking during classes which creates congestion in our family neighborhoods.

6

4) As to the impact on residents, why not a project constructing townhouses instead that would support family living in Santa Clara. There is currently a lack of **entry level and retirement housing in the city near major transportation hubs**. The younger generation can commute to work and the older generation can reside in an area that provides public transportation for shopping and medical appointments.

7

5) What if the project becomes bankrupt like projects in downtown Sunnyvale? Some of these areas have stood vacant for years. What is the agreement with the city?

8

6) What happens to the land lease after the initial term? Does it turn into an eye soar with a number of retail vacancies like the buildings at Jackson and Homestead?

9

7) Has the city the resources to address the impact on schools? Water, sewage, garbage, police, other areas of infrastructure? These areas were not addressed in the report and are fundamental to the operation of any city. In conclusion, this project does not improve our city, in fact, negates the city's General Plan. The EIR for this development is incomplete and the areas omitted are issues that could cause financial hardship to the city and its residents.

10

Best regards,

Christine Pfendt

On Tue, Jan 5, 2016 at 8:57 AM, Yen Chen <YChen@santaclaraca.gov> wrote:

Hi Christine,

The email address "@santaclaraca.gov" is no longer an active address. Please use the following address "ychen@santaclaraca.gov" to resend the message. Thank You.

Yen Han Chen, Associate Planner
(408) 615-2450 / x 2455 direct/vm
ychen@santaclaraca.gov

From: christine pfendt [mailto:cpfendt@gmail.com]
Sent: Tuesday, January 05, 2016 8:12 AM
To: Yen Chen
Subject: Re: Delivery Status Notification (Failure)

Email delivery failed?

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Letter No. IND-17 Email from Christine Pfendt, dated January 5, 2016

Response IND-17-1

The commenter expresses opposition to the proposed project. The comment is noted and will be provided to the decision makers for their review and consideration prior to any approval action on the project.

Please refer to **Response ORG-3-2** regarding general consistency with the General Plan. Also refer to **Response ORG-3-1** regarding project height and neighborhood compatibility and **Response ORG-3-3** regarding changes made to project design in order to respect the adjacent neighborhoods. As noted on page 3.0-9 in the Draft EIR, the height of the proposed structure varies between three and five stories, and along The Alameda the building would be three stories, which would make it compatible with the residential uses to the west.

Please refer to **Response SA-2-2** regarding relocation of the two homes on the project site that were determined to be historic and **Response IND-12-14** regarding removal of the portions of Sherman and Fremont Street that are within the project site.

Please refer to **Response IND-10-2** regarding the procedure that the City must follow under state law in the event that it decides to approve the proposed project despite a finding of significant and unavoidable impacts.

Response IND-17-2

Please refer to the analysis of construction vibration impacts on the Adobe building on pages 4.6-29 and - 30 of the Draft EIR and **Response ORG-3-5**.

Response IND-17-3

The commenter expresses an opinion that placement of retail on Benton Street under the proposed project is not consistent with the desires of the general public. The comment is noted and will be provided to the decision makers for their review and consideration prior to any approval action on the project. As this comment is not directed at the environmental analysis or conclusions in the Draft EIR, no further response is required. However, for informational purposes it is noted that the General Plan calls for retail or commercial use along Benton Street in both the Santa Clara Station Focus Area (Santa Clara Station Community Mixed Use Commercial [Retail, commercial and neighborhood office uses up to 0.45 FAR], and Community Mixed Use [Retail, commercial and neighborhood office uses at a minimum FAR of 0.10]) along Benton Street within the Downtown Core Focus area.

Response IND-17-4

The Draft EIR was prepared in compliance with Section 15151 of the CEQA Guidelines, which state that ‘an EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. ... The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.’ Further, the Draft EIR was reviewed, revised, and approved by representatives of the City of Santa Clara Planning Department. In so doing these City representatives have exercised their independent judgment that the analyses in the Draft EIR are sufficient for its release to the public for review and comment. The commenter does not provide specific examples of omissions and inconsistencies and therefore the City is unable to address that concern.

Please also refer to **Response ORG-3-2**.

Response IND-17-5

The comment expresses an opinion that the project will contribute to traffic congestion in the vicinity, and points to the existing congestion on The Alameda. The traffic impacts of the proposed project are fully evaluated in Section 4.8 of the Draft EIR. The traffic analysis took into account the closure of Fremont and Sherman Street sections on the project site which do not connect to El Camino even at the present time. The traffic analysis evaluated three intersections along The Alameda in the project vicinity as well as eight other nearby intersections. The analysis shows that the project would not add sufficient traffic to result in a significant impact on any of the intersections under existing conditions, and would contribute substantially to the congestion at only one intersection (Lafayette and Lewis Streets) under near-term (2020) conditions and future (2040) conditions. Although not required by the Climate Action Plan, the project applicant has voluntarily committed to develop and implement a Travel Demand Management (TDM) program to encourage walking, bicycling, and public transportation use and help reduce traffic impacts.

Response IND-17-6

The comment expresses an opinion that the project will contribute to parking problems in the vicinity. As discussed in Draft EIR Section 4.8, Traffic, the Santa Clara City Code requires a total of 827 parking spaces for the project, including 662 parking spaces for the 385 residential units and 165 spaces for the retail development. The proposed parking structure would provide a total of 839 parking spaces, including 674 parking spaces for the residential component of the project and 165 parking spaces for the retail component of the project. Therefore, the proposed project exceeds the Santa Clara City Code total parking

requirements and the project site residents and employees are not expected to park in the neighboring streets. There is no City requirement that the parking spaces for the retail component of the project be open to the public at no cost. However, the retail parking spaces in the parking garage will be open to the public at no cost. The City, at its discretion, may impose time limits on retail parking.

With respect to on-street parking that would be removed as a result of the project, it would be limited to the spaces that are located along Fremont and Sherman Street sections within the project site and are currently used by residents of homes and employees and patrons of businesses that are located on the project parcels. As these uses will be relocated, the elimination of those spaces would not reduce the parking supply for these current users. With respect to on-street parking along The Alameda and Benton Street, the proposed project will maintain the on-street parking spaces along the project frontage. See **Figure 2.0-8, Project Site Plan Showing On-Street Parking.**

Response IND-17-7

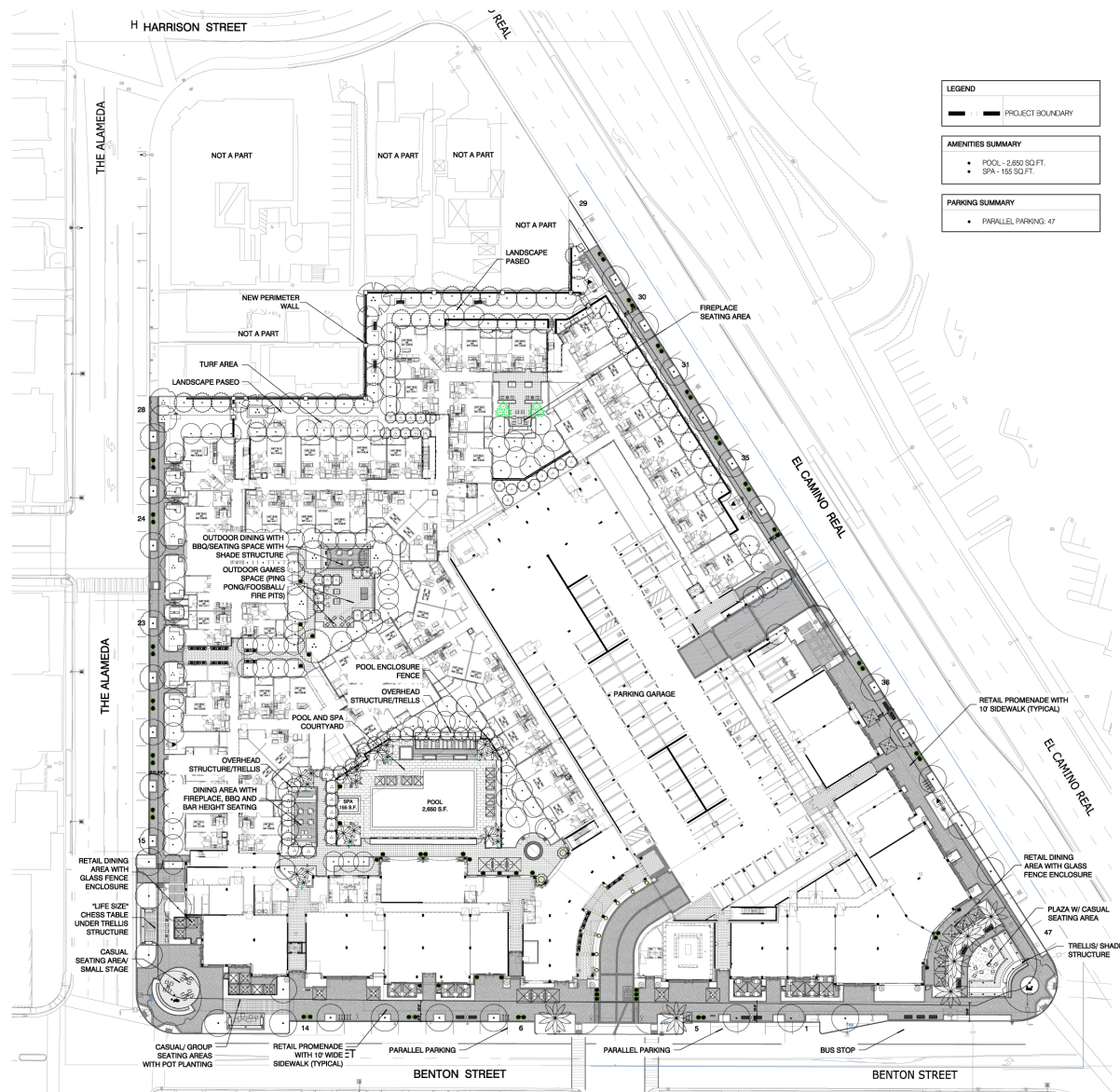
The project applicant is a development company that constructs and manages only rental properties. It is not in the business of developing homes for sale. Therefore an alternative that involves the development of for sale housing at the project site would not be feasible. The City notes that due to the current job/housing imbalance in Santa Clara, all types of housing are needed, including the rental units proposed by the applicant. The project proposed a mix of unit types (studio, one bedroom, and two bedrooms) and will provide 10 percent affordable units.

Response IND-17-8

The project applicant is a financially sound company. In addition, there is a large unmet demand for housing in Silicon Valley. In fact, due to low availability of housing in cities such as Santa Clara, very large numbers of Silicon Valley workers live at great distances from their work places. Consequently, it is considered highly unlikely that once the project is developed, it would remain vacant or under-occupied.

Response IND-17-9

Please refer to **Response IND-17-8** above.



SOURCE: Irvine Company Apartment Communities

FIGURE 2.0-8

Project Site Plan Showing On-Street Parking

Response IND-17-10

Contrary to the commenter's assertion, the Draft EIR provided a complete analysis for potential impacts to City schools, public services, utilities and other areas of infrastructure.

With respect to impacts on law enforcement (police) services, please refer to Draft EIR Section 4.7.2.2, Public Services – Law Enforcement.

With respect to impacts on schools, refer to Draft EIR Section 4.7.2.3, Public Services - Schools. Please refer also to **Responses LA-3-2** through **LA-3-7**.

With respect to utilities (including water, wastewater, and solid waste), please refer to Draft EIR Section 4.9, Utilities.

Section 15131(a) of the CEQA Guidelines specifically excludes economic and/or social effects from being considered significant effects on the environment, therefore there is no requirement under CEQA to provide an analysis of the potential for the project to 'cause financial hardship to the city and its residents,' and no further response is required. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Please also refer to **Response ORG-3-2** regarding the project's consistency with the General Plan.

Letter No. IND-18

From: Freda Hudson [<mailto:fmhudson@gmail.com>]
Sent: Saturday, December 05, 2015 10:07 AM
To: Yen Chen
Subject: University Town Center

Mr. Chen,

I have written to you previously regarding the proposed project to be called University Town Center. As a lifelong resident of Fremont Street, I feel that this project is going to have an enormous impact on the traffic in the surrounding areas of said project as well as an impact on parking in the neighborhood. If you drive on Fremont St. west of the Alameda on any given night during the school year, you will see that the neighborhood is full of cars. At a meeting that I attended, the representatives from the Irvine Group mentioned that overflow parking would not be a problem as tenants or visitors could park in the neighborhood. As far as traffic, the El Camino traffic has increased significantly in recent months and will only get worse when tenants move in to the influx of apartments that are being built in Santa Clara. Harrison Street and Alviso Street will also be greatly impacted as they are the streets that will bring people over to Coleman Avenue and on to nearby freeways. I realize that there are many university students that reside in the area, however, there are many families that also call this area their home. When I was growing up, (as well as my children) the Alameda was the major connection to get to San Jose. When they rerouted the El Camino, the quality of life changed for the better. Now with the building of UTC, you will create the kind of traffic that we experienced on Harrison and Alviso Streets.

I have many more concerns; but, having been to meetings, I know that you are very aware of the concerns of the Old Quad Residents.

This plan is certainly not what I envisioned for the area considered to be the Old Quad.

Freda Hudson
 735 Fremont St.
 Santa Clara, Ca. 95050

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Letter No. IND-18 Email from Freda Hudson, dated December 5, 2015

Response IND-18-1

As discussed in Draft EIR Section 4.8, Traffic, the Santa Clara City Code requires a total of 827 parking spaces for the project, including 662 parking spaces for the 385 residential units and 165 spaces for the retail development. The proposed parking structure would provide a total of 839 parking spaces, including 674 parking spaces for the residential component of the project and 165 parking spaces for the retail component of the project. Therefore, the proposed project exceeds the Santa Clara City Code total parking requirements and the project site residents and employees are not expected to park in the neighboring streets.

With respect to traffic congestion, the traffic impacts of the proposed project are fully evaluated in Section 4.8 of the Draft EIR. The traffic analysis took into account the closure of Fremont and Sherman Street sections on the project site which do not connect to El Camino even at the present time. The traffic analysis evaluated 11 intersections in the project vicinity, including those on El Camino, Fremont Street, Harrison Street, and Alviso Street. The analysis shows that the project would not add sufficient traffic to result in a significant impact on any of the intersections under existing conditions, and would contribute substantially to the congestion at only one intersection (Lafayette and Lewis Streets) under near-term (2020) conditions and future (2040) conditions. Although not required by the Climate Action Plan, the applicant has voluntarily committed to develop and implement a Travel Demand Management (TDM) program to encourage walking, bicycling, and public transportation use and help reduce traffic impacts.

Response IND-18-2

The commenter expresses an opinion that the project is not consistent with the desires of the Old Quad residents. The comment is noted and will be provided to the decision makers for their review and consideration prior to any approval action on the project.

3.0 REVISIONS AND ADDITIONS TO THE DRAFT EIR

3.1 OVERVIEW

This chapter presents revisions to the text of the Draft EIR, subsequent to the document's publication and public review. The changes include clarifications to text of the Draft EIR in response to public and agency comments received, as well as staff-initiated text changes.

The *California Environmental Quality Act (CEQA) Guidelines* Section 15088.5 states that a lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice of its availability. New information is "significant" if, as a result of the additional information, "the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect."^{1, 2} Recirculation is not mandated when the new information merely clarifies, amplifies, or makes and insignificant modification to an adequate Draft EIR.³

All of the public comments on the Draft EIR, as well as the revisions and corrections to the Draft EIR text have been carefully reviewed to determine whether recirculation of the Draft EIR is required. All of the new information in these revisions and additions to the Draft EIR, in the comments, and in the responses to comments merely clarify or amplify or make insignificant modifications to an adequate Draft EIR. These changes made since publication of the Draft EIR do not substantially affect the analysis contained in the Draft EIR, do not result in a substantial increase in the severity of a significant impact identified in the Draft EIR and do not change the conclusions in any way. Therefore, the Draft EIR need not be recirculated prior to certification.

The revisions are presented in the order in which the text appears in the Draft EIR and are identified by page number in respective chapters and sections. These revisions are shown as excerpts from the Draft EIR. Strikethrough (~~striktthrough~~) text indicates deletions and underlined (underlined) text indicates additions.

¹ *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* 864 P.2d 502, 510 (1993) (*Laurel Heights II*)

² *State CEQA Guidelines* Section 15088.5(a)

³ *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova*, 150 P.3d 709 (2007) (quoting *Laurel Heights II*, 864 P.2d at 510); see also *Marin Mun. Water Dist. v. KG Land California Corp.*, 235 Cal.App.3d 1652, 1667 (1991) (citing *Sutter Sensible Planning v. Board of Supervisors* 122 Cal.App.3d 813 (1981))

3.2 REVISIONS TO THE DRAFT EIR

3.0 Project Description

3.2 Project Approvals

The following information is added to the fourth paragraph on page 3.0-2:

The proposed project will require the vacation of portions of Fremont Street and Sherman Street on the project site, approval of the Development Agreement and of a Vesting Tentative Tract Map. The applicant has requested ~~this~~ these actions from the City.

3.5.1 Proposed Land Uses

Under the first paragraph of subsection header *Apartment Units* on page 3.0-6 the following information is added:

The project applicant has voluntarily agreed to provide 10 percent of the residential units within the project as affordable units that would be qualified as Below Market Rate. The affordable units may be provided either on or offsite and any affordable units that are provided offsite would be subject to the City's entitlement process.

3.8.4 Electricity and Natural Gas

The following information is added to the first paragraph on page 3.0-24:

It should be noted that existing overhead utility lines located on or directly adjacent to the project site may be undergrounded as part of the project's construction activities.

4.0 Environmental Impact Analysis

4.2 Cultural Resources

The subsection header on page 4.2-3 is revised as follows:

Late Mexican and Early American Era

The second sentence in the third paragraph on page 4.2-3 is revised as follows:

The town was primarily an American creation and not a direct successor to the Mission ~~pueblo~~.

The fourth sentence in the fifth paragraph on page 4.2-4 is revised as follows:

In 1866, the City ~~officially established a grid street system to accommodate anticipated growth~~ formalized the existing street system, which had been established in 1847, when William Campbell surveyed the Town of Santa Clara for Father Jose Maria Suarez del Real, in order to facilitate the settlement of various existing titles.

The text in the first paragraph on page 4.2-5 is revised as follows:

In an effort to reach larger markets and increase their profits, the Santa Clara Tannery allied with the nearby College of Santa Clara to support the construction of the San Francisco and San Jose Railroad in 1860. The late 1870s saw the construction of the South Coast Pacific Railroad (S.P.C.RR), a narrow gauge railroad, which would run between Alameda and Santa Cruz (Macgregor 1982:124). In November 1876, the diamond crossing, where the S.P.C. RR intersected the tracks' of the broad gauge S.I. & S. F. (now S.P. RR), was installed near the foot of Sherman Street. By early 1877 all the grading for the narrow gauge line was completed from Santa Clara to San Jose. Before demolition the depot was evaluated and determined eligible for the NRHP. The building, which was presumably located to the east of the project site, has been demolished. Following that, in 1863, the Santa Clara Railroad depot was constructed and became an important hub as exports increased.

The third paragraph on page 4.2-5 is revised as follows:

Spanish Colonial Era

The project site lies in an area of high sensitivity for historical resources representing the Mission and Early American Eras of Santa Clara, and it is bounded by parcels known to hold significant historical resources representing these eras. As such, the project site is located within the Mission Santa Clara landscape which includes different components of Mission period life-ways including but not limited to the Mission and its associated buildings, Rancheria, and features related to agriculture and industry. Five separate Mission churches were built in Santa Clara at ~~three-four~~ distinct locations. Three of these churches, in two separate locations, exist within the modern SCU campus. In addition to a church and quadrangle, the Mission site included a village, housing over 1,500 indigenous people, and industrial complexes such as irrigation canals,

agricultural land, animal husbandry, and orchards. These land uses extend throughout the modern campus and beyond the SCU boundaries. The third Mission ~~site~~ church and cemetery are less than 200 feet south of the project site ~~and have~~ has been well documented historically and archaeologically.

As noted in Appendix 4.2a, Mission Santa Clara de Asís, which includes the third Mission, qualifies as a historical resource, eligible for listing on the California Register of Historical Resources under CEQA in two ways. The Mission is historically significant since it meets at least two of the eligibility criteria as set forth in the CEQA Guidelines §15064.5: Criterion (A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage; and Criterion (D) Has yielded or may be likely to yield information important in prehistory or history. Further, Mission Santa Clara is granted status as a historical resource under CEQA by virtue of its listing on the California Register of Historical places (PRC §21084.1; CEQA Guidelines §15064.5).

In addition, the third Mission Santa Clara site (Murguía Mission Site) has also been determined eligible for inclusion on the National Register for Historic Places. This determination is based on archaeological excavations for the El Camino re-route project as memorialized in the Indenture Quitclaim Deed and Agreement for Maintenance of Mission Murguía Site (Covenant Running with the Land). For this reason, archaeological resources dating to the Mission era found within the project area are part of the National Register eligible Murguía Mission Site.

The fifth sentence in the second paragraph on page 4.2-6 is revised as follows:

According to the yearly ~~informal archaeological investigations~~ informes, neophytes built eight houses in 1792, 14 in 1793, and nine in 1794.

The sixth sentence in the third paragraph on page 4.2-6 is revised as follows:

To date, there appears to be one large neophyte ~~living~~ residential complex at Mission Santa Clara with numerous components, despite the movements and reconstructions of the Mission quadrangle.

The first sentence in the paragraph under the heading *Late Mexican and American Era* on page 4.2-7 is revised as follows:

After Mission secularization, Santa Clara transformed ~~into a working class neighborhood of European immigrants~~ and the Mission became a parish church and a small secular Mexican

community developed close to the church. The neighborhood within which the project site lies developed as a mixture of residential and business/industrial uses.

The third sentence in the fourth paragraph on page 4.2-7 is revised as follows:

Limited subsurface exploration and trenching were performed on portions of the project site in 2015, where feasible based on existing structures and improvements, in order to identify potential archaeological resources and human remains within the project site. Exploratory trenching was conducted within the project site from May 12, 2015 to May 18, 2015. This exploratory study consisted of four small trenches with all areas excavated with a 3-foot wide, flat bladed bucket to remove soils at very small increments down to the level of historic-era resources archaeological resources. Given that previous testing involved the sampling of only a small portion of the site, ~~Intact~~ resources associated with the Mexican Period, American Period, or Pre-Colonial times were not identified. Intact resources are discernable, discrete features, rather than isolated artifacts. One historical resource associated with the Mission Period was identified.

The first sentence in the first paragraph on page 4.2-12 is revised as follows:

The project site is located in the westernmost portion of the original 1866 “official” grid (or historic quad) of Santa Clara, surveyed by ~~W.W. Bowen~~ J.J. Bowen in 1866.

The text under Impact CUL-2 on pages 4.2-24 and -25 is revised as follows:

As described in **Section 4.2.2.2** above, the project site is within 200 feet of the third site of Santa Clara Mission church and cemetery, and exploratory trenching on the project site has provided evidence of the presence of one buried archaeological resource on the project site.

The text under Impact CUL-2 on pages 4.2-26 is revised as follows:

As noted earlier, the third Mission church and cemetery are located south of the project site and are is extremely sensitive for the presence of human remains. Although historic maps show the northern boundary of the cemetery on the Mission site as being 155 feet south of the project site, the actual boundaries have yet to be archaeologically verified. Given this archaeological and historic evidence, the potential for Mission Period burials within the project site is moderate (Albion 2015).

The text of Mitigation Measure CUL-2a on page 4.2-29 is revised as follows:

Mitigation for Less Sensitive Areas

Construction Monitoring during Ground Disturbance. Areas ~~not known~~ presumed to be less sensitive shall be monitored by a trained archaeologist during ground disturbing activities. Archaeological monitors shall observe all initial grading within the northeast portion of the project site. If archaeological materials are found, all work within 50 feet of the find shall stop. The monitor and the archaeological team shall conduct a rapid significance assessment as described below. If the archaeologist determines that an archaeological feature is significant under CEQA, the feature shall be subject to data recovery mitigation to reduce adverse impacts to less than significant. Data recovery, if undertaken, will follow the procedures for excavation, analysis, and reporting defined in the Treatment Plan and set forth below.

Mitigation for Areas of Higher Sensitivity

The Treatment Plan requires that an archaeological team shall be given access to conduct mechanical excavation in “open spaces” within the area of presumed higher sensitivity, including parking lots, back yards, and access ways. Then after demolition permits are awarded, an archaeological team shall be given access to conduct mechanical excavation and examine areas of sensitivity underneath existing structures.

Appendix 4.2a Cultural Resources Treatment Plan

The first paragraph on page 5 is revised to include the following:

The third Mission site (Murguía Mission Site) has also been determined eligible for inclusion on the National Register for Historic Places. This determination is based on archaeological excavations for the El Camino re-route project (Hylkema 1995) as memorialized in the *Indenture Quitclaim Deed and Agreement for Maintenance of Mission Murguía Site (Covenant Running with the Land)* (City of Santa Clara 1989). For this reason, archaeological resources dating to the Mission era found within the project area are part of the National Register eligible Murguía Mission Site.

Call-outs on page 8, **Figure 3, Archaeological features near the Mission Town Center Project Site** highlighting features specifically discussed in the text are revised as follows:

Third ~~mission~~ Mission Santa Clara Church and Quadrangle

~~Women's adobe~~ Jose Peña Adobe

(Refer also to **Figure 3.0-1 – Cultural Resources Treatment Plan – Revised Figure 3)**

Call-outs on page 12, **Figure 5, Cleal mission features with Project Site** are revised as follows:

Third Mission Church

Fourth Mission Church

Fifth Mission Church

(Refer also to **Figure 3.0-2 – Cultural Resources Treatment Plan – Revised Figure 5)**

A call-out on page 98, **Figure 45, View of Santa Clara from water tower, 1895** is revised as follows:

Mission Santa Clara Church

(Refer also to **Figure 3.0-3 – Cultural Resources Treatment Plan – Revised Figure 45)**

A call-out on page 124, **Figure 54, Archaeological treatment and monitoring zones for the Mission Town Center Project Site** is revised as follows:

Areas of Sensitivity with greater potential for intact resources (step 1 and 2)

(Refer also to **Figure 3.0-4 – Cultural Resources Treatment Plan – Revised Figure 54)**

The first paragraph on page 125 is revised as follows:

Albion proposes a very standardized approach to identifying archaeological resources from the historic era when encountered. Archaeological monitors will communicate with backhoe operators when a feature is identified. The archaeological monitor will carefully mark the feature, ~~and direct the backhoe operator to remove sterile soils surrounding the feature, effectively placing the defined resource on a pedestal, and the sterile soils surrounding the feature will be~~ carefully removed by hand excavation by a professional archaeologist(s), and effectively place the defined resource on a pedestal to facilitate documentation and evaluation of the discovery. Next, archaeological technicians will clear, define, photograph, draw, and acquire a GPS polygon shape documenting the feature's surface. Technicians will also clear and define an exterior profile of the archaeological resource to help determine integrity and significance. If we are still unable to determine temporal association for an archaeological resource given what is visible at the surface and in the profile, we will excavate half of the feature by natural context and ¼" dry screen the materials, making note of diagnostic artifacts recovered.

The following reference is added to the 'REFERENCES CITED' section which begins on page 147 of the Cultural Resources Treatment Plan for the Mission Town Center Project:

Santa Clara, City of

1989 Indenture Quitclaim Deed and Agreement for Maintenance of Mission Murguía Site (Covenant Running with the Land). Document on file, City of Santa Clara, Department of Public Works

Appendix 4.2b Historic Architecture Evaluation Report

The following references are added to Section VIII. Bibliography of the Historic Architecture Evaluation Report:

Garcia, Lorie & George Giacomini, Geoffrey Goodfellow

2002 A Place of Promise – The City of Santa Clara 1852-2002. City Santa Clara, Santa Clara, California.

Lichtenstein, Bea

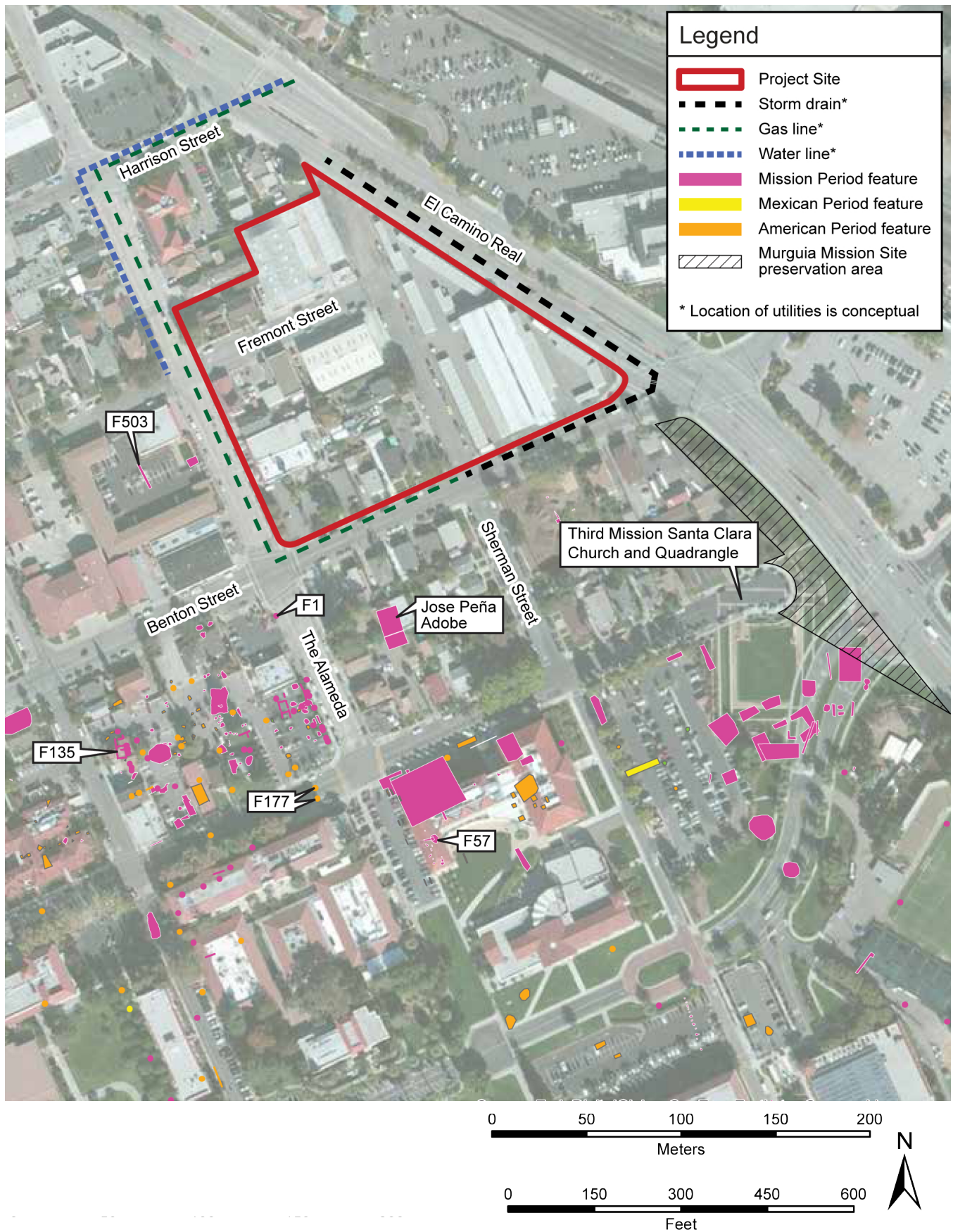
2004 Santa Clara (Images of America). Arcadia Press, Charleston, CA.

Tower, Robert Clarence & Ken Lichtenstein

2014 Legendary Locals of Santa Clara. Arcadia Press, Charleston, SC.

Warburton, Austen D.

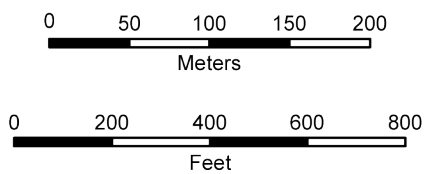
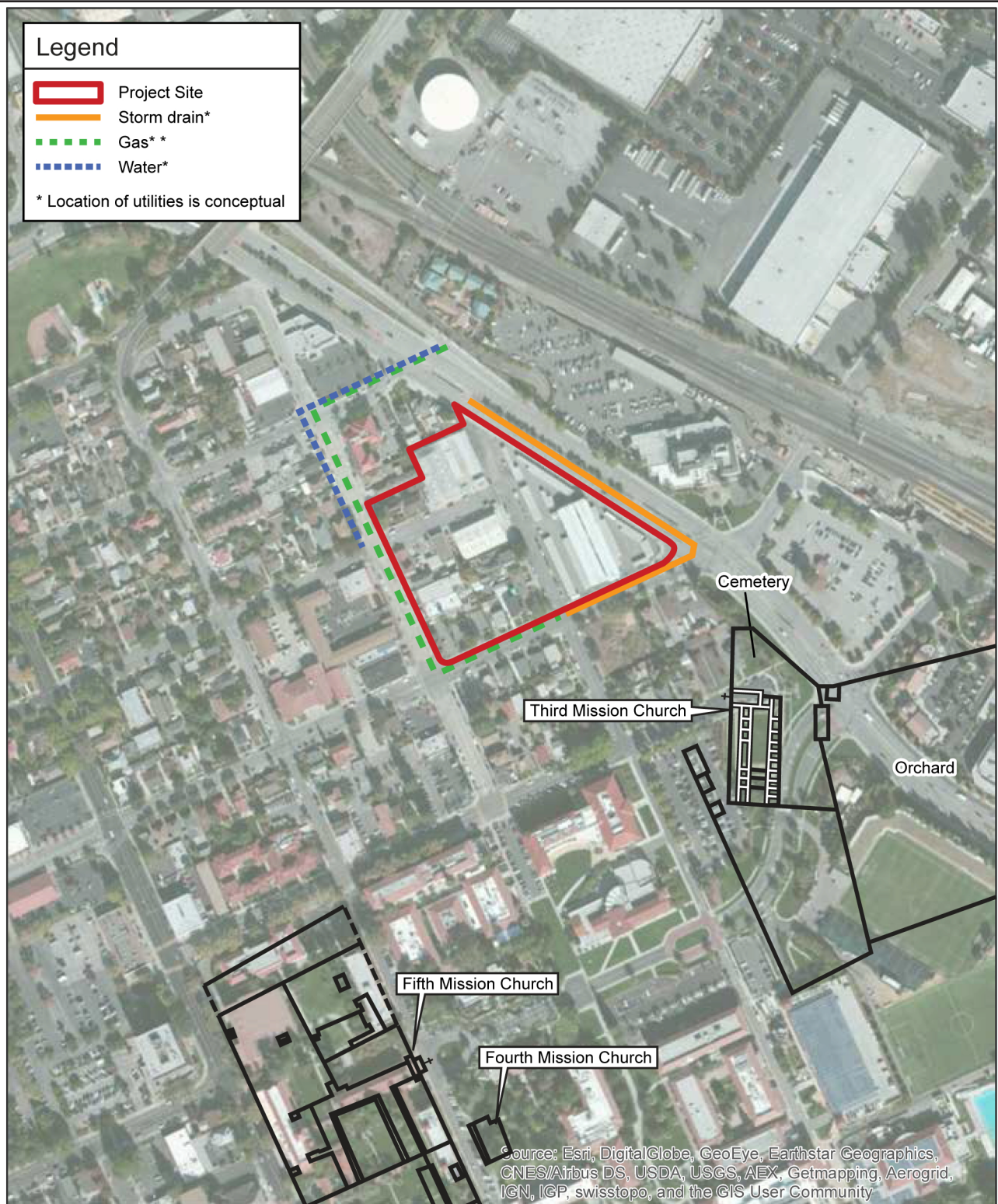
1996 Santa Clara Sagas. California History Center & Foundation, Cupertino, CA.



SOURCE: Albion Environmental, Inc.

FIGURE 3.0-1

Cultural Resources Treatment Plan - Revised Figure 3



SOURCE: Albion Environmental, Inc.

FIGURE 3.0-2

Cultural Resources Treatment Plan - Revised Figure 5

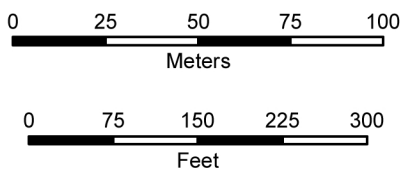


SOURCE: Albion Environmental, Inc.

FIGURE 3.0-3

Cultural Resources Treatment Plan - Revised Figure 45





SOURCE: Albion Environmental, Inc.

FIGURE 3.0-4

Cultural Resources Treatment Plan - Revised Figure 54

4.0 REPORT PREPARATION

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